

Also, petition of the Philadelphia Board of Trade, against repeal of bankruptcy law—to the Committee on the Judiciary.

By Mr. FLACK: Papers to accompany bills for relief of Ezra M. Rickert and Henry H. Davis—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the One hundred and thirteenth Illinois Veteran Volunteer Infantry Association, for an increase of rates of pension in certain cases—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of F. M. Yarbrough—to the Committee on War Claims.

By Mr. GRAHAM: Petition of the Merchant Marine League, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the executive committee of the Interchurch Conference on Federation, against abuses in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the American Musical Copyright League, against a copyright law preventing mechanical reproduction of music—to the Committee on Patents.

By Mr. GROSVENOR: Petition of the Philadelphia Board of Trade, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HARDWICK: Paper to accompany bill for relief of Jerome B. Clark—to the Committee on Invalid Pensions.

By Mr. KNAPP: Paper to accompany bill for relief of Martin Heiler—to the Committee on Pensions.

Also, papers to accompany bills for relief of Isaac Cain, Robert Lawrence, and William Wayman—to the Committee on Invalid Pensions.

By Mr. KNOFF: Paper to accompany bill for relief of Catherine Ludwig—to the Committee on Invalid Pensions.

By Mr. LAMB: Petition of Grove Council, No. 40, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of Posts Nos. 206 and 435, Grand Army of the Republic, Department of New York, for restoration of the canteen in State Home at Bath, N. Y.—to the Committee on Military Affairs.

Also, petition of the Philadelphia Board of Trade, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. LEE: Paper to accompany bill for relief of heirs of Elijah Lumpkin—to the Committee on War Claims.

By Mr. LLOYD: Petition of citizens of Excelsior, Mo., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of Harriet Laura Cady et al., favoring free postage on books for the blind—to the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Papers to accompany bills for relief of John R. Goodier, James W. Kasson, and Walter M. Rupert—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of John H. Allison—to the Committee on Invalid Pensions.

By Mr. PARKER: Paper to accompany bill for relief of Wilson Smith—to the Committee on Military Affairs.

By Mr. PEARRE: Petition of Jefferson Council, No. 127, and Saulte Mountain Council, No. 8, Junior Order United American Mechanics, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of W. M. Hall—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Martha J. Sibley—to the Committee on War Claims.

Also, papers to accompany bills for relief of heirs of William D. Toone and William D. Bostick—to the Committee on War Claims.

By Mr. SHERMAN: Papers to accompany bills for relief of George O. Tibbitts and Thomas E. Hart—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Papers to accompany bills for relief of Clarica Underwood and Catherine E. Moore—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of estate of R. D. Murray—to the Committee on War Claims.

Also, paper to accompany bill for an appropriation for the benefit of a national cemetery near the city of Lebanon, Ky.—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Mark Smock—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of colored citizens of New Haven, Conn., assembled in a union thanksgiving service, protesting against the discharge of Companies B, C, and D of the Twenty-fifth United States Infantry—to the Committee on Military Affairs.

By Mr. SULZER: Petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of estate of Thomas S. Howard—to the Committee on War Claims.

By Mr. UNDERWOOD: Paper to accompany bill for relief of Levi Adcock—to the Committee on War Claims.

By Mr. VAN WINKLE: Petition of 150 citizens of New York, against liquor selling in any Government building, ship, or park—to the Committee on Alcoholic Liquor Traffic.

SENATE.

THURSDAY, December 6, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. HALE. Mr. President, almost all the long record is one of bills introduced, and therefore I ask that the further reading of the Journal be dispensed with.

There being no objection, the further reading of the Journal was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ANNUAL REPORT OF COMPTROLLER OF CURRENCY.

The VICE-PRESIDENT laid before the Senate the Annual Report of the Comptroller of the Currency for the year ended October 31, 1906; which was referred to the Committee on Finance, and ordered to be printed.

LIBRARY OF CONGRESS.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Librarian of Congress, transmitting the annual report of the Librarian of Congress, together with the annual report of the superintendent of the Library building and grounds for the fiscal year ended June 30, 1906. The communication will be printed. The reports accompanying the communication will not be printed, but will be referred to the Committee on the Library in connection therewith.

MARITIME CANAL COMPANY OF NICARAGUA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Maritime Canal Company of Nicaragua; which, with the accompanying paper, was referred to the Committee on Inter-oceanic Canals, and ordered to be printed.

FOREST RESERVE LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in further response to the resolution of March 19, 1906, additional lists of persons, firms, and corporations who conveyed or relinquished to the United States lands within forest reserves, etc.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

RESULT OF ELECTION IN ARIZONA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a certificate of the governor and the secretary of the Territory of Arizona, showing the result of the election held in that Territory on November 6, 1906, upon the question of joint statehood with New Mexico; which, with the accompanying papers, was referred to the Committee on Territories, and ordered to be printed.

RESULT OF ELECTION IN NEW MEXICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a certificate of the governor and the secretary of New Mexico, showing the result of the election held in that Territory on November 6, 1906, upon the question of joint statehood with Arizona; which, with the accompanying papers, was referred to the Committee on Territories, and ordered to be printed.

MOQUI INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, inclosing a letter from the Commissioner of Indian Affairs, with respect to the condition of the Moqui Indians of Arizona, together with the draft of a bill authorizing the allotment of lands to these Indians indi-

vidually; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

JICARILLA INDIAN RESERVATION LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, inclosing a letter from the Commissioner of Indian Affairs, together with the draft of a bill to quiet title to lands on the Jicarilla Reservation and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

ACCOUNTS OF INDIAN AGENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, submitting an amendment to repeal so much of section 10 of the act of March 3, 1875, as requires transcripts of the cash books to be forwarded quarterly by each Indian agent to the Commissioner of Indian Affairs; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

DEVILS LAKE INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, inclosing a copy of a letter from the Commissioner of Indian Affairs, recommending an amendment to article 3 of the act of April 27, 1904, authorizing the annual per capita payments to the Indians of the Devils Lake Reservation, in North Dakota, yet due, to be made in the month of April or May instead of in June; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

OSAGE INDIANS IN OKLAHOMA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, together with the draft of a bill recommending that the sum of \$69,120, the amount due the Osage tribe of Indians in Oklahoma, be placed to their credit, at interest, on the books of the Treasury; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

COMMERCIAL ORGANIZATIONS AND AGRICULTURAL ASSOCIATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to the resolution of June 22, 1906, certain information concerning the list of national, State, and local commercial organizations, also national, State, and local agricultural associations of the United States; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate the following communications from the assistant clerk of the Court of Claims in the following causes:

- In the cause of Henry Whelen *v.* The United States;
- In the cause of Emily A. Gifford, widow of George P. Gifford, deceased, *v.* The United States;
- In the cause of Frances R. Hunsicker, widow of Joseph L. Hunsicker, deceased, *v.* The United States;
- In the cause of Mary S. McQuade and William A. Chambers, children of William Smith, deceased, *v.* The United States;
- In the cause of Presley M. Rixey *v.* The United States;
- In the cause of James M. Odend'hal, administrator of John W. Odend'hal, deceased, *v.* The United States;
- In the cause of Winnie M. Stillwell, widow of James Stillwell, deceased, *v.* The United States;
- In the cause of A. Nelson Bell *v.* The United States;
- In the cause of George T. Douglass, son of Daniel T. Douglass, deceased, *v.* The United States;
- In the cause of Alexander D. Damon *v.* The United States;
- In the cause of Ferdinand G. Morrill *v.* The United States;
- In the cause of Josephine A. Buell, widow of James W. Buell, deceased, *v.* The United States;
- In the cause of Eleanor R. Swan and Charles B. Swan, heirs at law of Robert Swan, deceased, *v.* The United States;
- In the cause of Ellen L. Faunce, widow of Peter Faunce, deceased, *v.* The United States;
- In the cause of Fred White, son and heir at law of Edward W. White, deceased, *v.* The United States;
- In the cause of Louisa C. Bell, widow of Edward B. Bell, deceased, *v.* The United States;
- In the cause of Katharine M. Burnett, widow of Joseph C. Burnett, deceased, *v.* The United States;

In the cause of Frederick W. Wunderlick *v.* The United States;

In the cause of Clara B. Hassler, widow of Charles W. Hassler, deceased, *v.* The United States;

In the cause of Walter J. Mayer, Alfred J. Mayer, and Ida J. Mayer Storch, heirs of William H. Mayer, jr., deceased, *v.* The United States;

In the cause of Gilbert L. McGowan *v.* The United States; and

In the cause of Harriet S. Lyeth, administratrix of Clinton H. Lyeth, deceased, *v.* The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 1804) providing for the use of certified checks to secure compliance with proposals and contracts for naval supplies.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 8124. An act to amend section 5136 of the Revised Statutes of the United States, permitting national banking associations to make loans on farm lands as security, and limiting the amount of such loans;

H. R. 11273. An act to incorporate The National German-American Alliance; and

H. R. 14587. An act to authorize the Secretary of the Treasury to issue duplicate gold certificates in lieu of ones lost or destroyed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the One hundred and thirteenth Illinois Veteran Volunteer Infantry Association, of Watseka, Ill., praying for the enactment of certain pension legislation; which was referred to the Committee on Pensions.

Mr. DEPEW presented a petition of the congregation of the Second German Baptist Church, of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a memorial of Huguenot Grange, No. 128, Patrons of Husbandry, of New Paltz, N. Y., remonstrating against the enactment of legislation providing for the free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

He also presented the memorial of M. D. Pratt and 20 other citizens of Watertown, N. Y., remonstrating against the enactment of legislation requiring the closing of certain places of business in the District of Columbia on Sunday; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented memorials of sundry citizens of Chicago and Decatur, in the State of Illinois, remonstrating against the enactment of legislation to authorize the closing of certain places of business in the District of Columbia on Sunday; which were referred to the Committee on the District of Columbia.

Mr. BRANDEGEE presented a petition of the Connecticut Baptist Convention, at Hartford, Conn., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Affairs.

Mr. HOPKINS presented a petition of Mattoon Council, No. 1057, Knights of Columbus, of Mattoon, Ill., praying for the enactment of legislation providing a suitable memorial to the memory of Christopher Columbus; which was referred to the Committee on the Library.

He also presented a petition of the Christian Endeavor Society of Grace Church, of Naperville, Ill., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Farmington, Ill., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. HALE presented a memorial of Morning Light Grange,

Patrons of Husbandry, of Monroe, Me., remonstrating against any further appropriation being made for the free distribution of seed; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the board of aldermen of Biddeford, Me., praying for the enactment of legislation to acquire national forest reserves in the Appalachian Mountains and White Mountains, to be known as the "Appalachian Forest Reserve" and the "White Mountain Forest Reserve," respectively; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. DANIEL presented the petition of Joseph L. White, of Harpers Home, Va., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of William H. Willis, of Skipwith, Va., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

HISTORY OF THE CONGRESSIONAL CEMETERY.

Mr. BURKETT. As a member of the subcommittee of the Committee on the District of Columbia, to whom was referred a bill pertaining to the granting of certain streets in the limits of the Congressional Cemetery for burial purposes, I will state that the subcommittee has gone very considerably into the history and a search has been made of the laws and records pertaining to the Congressional Cemetery. The paper which has been prepared is needed by the committee, and perhaps others, in the further consideration of the bill. I ask that this compilation of records and statutes may be printed as a Senate document.

The VICE-PRESIDENT. The Senator from Nebraska reports from the Committee on the District of Columbia a paper entitled "History of the Congressional Cemetery," and asks that it may be printed as a document. Is there objection? The Chair hears none, and it is so ordered.

MARY LAJORD.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. NELSON, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Mary Lajord, widow of Thomas Lajord, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

PRESENTATION OF PRIVATE BILLS AND PETITIONS.

Mr. HALE. Mr. President, I have forgotten what is the scope of the rule of the last session with reference to pension bills. Can they be referred without a formal presentation?

The VICE-PRESIDENT. After the morning hour they may be referred by handing them to the Secretary of the Senate.

Mr. HALE. And also petitions?

The VICE-PRESIDENT. Petitions may also be handed in.

The rule adopted at the last session bearing upon this subject is, in part, as follows:

Senators having petitions, memorials, pension bills, bills for the payment of private claims, or for the correction of naval or military records to present after the morning hour may deliver them to the Secretary of the Senate, indorsing upon them their name and the reference or disposition to be made thereof, and said petitions, memorials, and bills shall, with the approval of the presiding officer, be entered on the Journal, etc.

BILLS INTRODUCED.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6833) granting an increase of pension to Bettie Vose;

A bill (S. 6834) granting an increase of pension to Bethuel P. Gould; and

A bill (S. 6835) granting an increase of pension to George Maybury.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6836) granting an increase of pension to Edward P. Strickland;

A bill (S. 6837) granting an increase of pension to Elisha R. William;

A bill (S. 6838) granting an increase of pension to Samuel Shepherd; and

A bill (S. 6839) granting an increase of pension to Samuel Tyler.

Mr. CULLOM introduced a bill (S. 6840) to authorize continuance of the railroad siding into square No. 737, in the city

of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6841) granting an increase of pension to Mary A. Allen;

A bill (S. 6842) granting an increase of pension to Alonzo D. Lee;

A bill (S. 6843) granting an increase of pension to Harvey McCracken;

A bill (S. 6844) granting a pension to Joseph Freeman;

A bill (S. 6845) granting an increase of pension to Charles R. Moore;

A bill (S. 6846) granting an increase of pension to Edwin W. Parker;

A bill (S. 6847) granting an increase of pension to Ozni S. Perry;

A bill (S. 6848) granting an increase of pension to Edward Seeland;

A bill (S. 6849) granting an increase of pension to Cornelius Cereson;

A bill (S. 6850) granting an increase of pension to Hiram Lobdell;

A bill (S. 6851) granting an increase of pension to Ann E. Hack; and

A bill (S. 6852) granting an increase of pension to Jacob Bristol.

Mr. McENERY introduced a bill (S. 6853) for the relief of the estate of Dominique Pochelu, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6854) for the relief of the trustees of Trinity Presbyterian Church, of Lavacca, Catahoula Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 6855) to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULBERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 6856) for the purchase of a site for a Federal building for the United States post-office at Bonham, Tex.;

A bill (S. 6857) for the purchase of a site for a Federal building for the United States post-office at Wichita Falls, Tex.;

A bill (S. 6858) for the purchase of a site for a Federal building for the United States post-office at Cameron, Tex.;

A bill (S. 6859) for the purchase of a site for a Federal building for the United States post-office at Terrell, Tex.;

A bill (S. 6860) for the purchase of a site for a Federal building for the United States post-office at Seguin, Tex.; and

A bill (S. 6861) for the purchase of a site for a Federal building for the United States post-office at Clarksville, Tex.

Mr. LATIMER introduced a bill (S. 6862) to provide for the purchase of a site and the erection of a building thereon at Orangeburg, in the State of South Carolina; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 6863) to provide for the purchase of a site and the erection of a building thereon at Newberry, in the State of South Carolina; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DILLINGHAM introduced a bill (S. 6864) to correct the military record of David A. Backum; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read by their titles, and referred to the Committee on Pensions:

A bill (S. 6865) granting an increase of pension to George Nichols (with accompanying papers);

A bill (S. 6866) granting an increase of pension to Louisa D. White;

A bill (S. 6867) granting an increase of pension to Thomas Fisher; and

A bill (S. 6868) granting an increase of pension to Henry A. Minor.

Mr. ALLEE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6869) granting an increase of pension to Caroline W. Congdon; and

A bill (S. 6870) granting an increase of pension to William R. Cahoon.

Mr. BURROWS (by request) introduced a bill (S. 6871) re-

quiring the making of an affidavit for labor performed and improvements made during each year on each mining claim, or forfeiture for the noncompliance therewith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Territories.

Mr. FORAKER introduced a bill (S. 6872) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. BEVERIDGE introduced a bill (S. 6873) to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907," approved June 30, 1906; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. MORGAN introduced a bill (S. 6874) for the relief of the personal representatives of James Rhodes, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. LONG introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6875) granting an increase of pension to Lemuel T. Williams; and

A bill (S. 6876) granting an increase of pension to Jesse L. Pritchard.

Mr. KNOX introduced a bill (S. 6877) to increase the limit of cost for the purchase of site and erection of a public building at Charleroi, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 6878) to provide for the purchase of a site and the erection of a public building thereon at Berlin, in the State of New Hampshire; and

A bill (S. 6879) to provide for the purchase of a site and the erection of a public building thereon at Rochester, in the State of New Hampshire.

Mr. BACON introduced a bill (S. 6880) for the relief of the trustees of Lutheran Parsonage, of Effingham County, Ga.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HEMENWAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6881) granting an increase of pension to Jefferson Bush;

A bill (S. 6882) granting an increase of pension to Elisha H. Stephens; and

A bill (S. 6883) granting an increase of pension to Thomas W. White.

Mr. CULLOM introduced a bill (S. 6884) for the repeal of the proviso in the act of March 14, 1900, which prohibits the issue or reissue to any national bank circulating notes of the denomination of \$5 in excess of one-third in amount of its circulation outstanding; which was read twice by its title, and referred to the Committee on Finance.

Mr. HALE introduced a bill (S. 6885) granting an increase of pension to William H. Anderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6886) for the relief of the session of the Presbyterian Church of Greenwood, Prince William County, Va. (with accompanying papers);

A bill (S. 6887) for the relief of the trustees of the Primitive Baptist Church, of Front Royal, Va. (with accompanying papers);

A bill (S. 6888) for the relief of the trustees of the Jerusalem Baptist Church and the vestry of Zion Protestant Episcopal Church, of Fairfax Court House, Va. (with accompanying papers);

A bill (S. 6889) for the relief of the trustees of the Methodist Episcopal Church South, of Unison, Va. (with an accompanying paper);

A bill (S. 6890) for the relief of the trustees of the Trinity Methodist Episcopal Church South, of Catletts, Va. (with accompanying papers);

A bill (S. 6891) for the relief of the trustees of the Methodist Protestant Church of Fox Hill, Va.;

A bill (S. 6892) for the relief of the trustees of the Methodist Episcopal Church South, of Upperville, Va.;

A bill (S. 6893) for the relief of the heirs of Thomas N. Towson, deceased;

A bill (S. 6894) for the relief of the trustees of Cedar Grove Church, of Culpeper County, Va.; and

A bill (S. 6895) for the relief of the trustees of the Methodist Episcopal Church South, of Gravelly Run, Dinwiddie County, Va.

Mr. DANIEL introduced a bill (S. 6896) appropriating the sum of \$1,000,000 as a loan to the Jamestown Exposition Company for the purpose of aiding in the payment of the cost of the construction, completion, and opening of the Jamestown Ter-Centennial Exposition on Hampton Roads, Virginia, on April 26, 1907, and to provide for the protection of the Government and insuring the repayment of the said sum of \$1,000,000 by a first lien upon the gross receipts of the said exposition company from all paid admissions to the grounds of said exposition and from all moneys received from concessions after the opening of said exposition; which was read twice by its title, and, with the accompanying paper, referred to the Select Committee on Industrial Expositions.

He also introduced a bill (S. 6897) to change the dates of the opening and closing of the international naval, marine, and military celebration to be held in the year 1907 on or near the waters of Hampton Roads in the State of Virginia, so as to conform to the dates fixed by the Jamestown Exposition Company; which was read twice by its title, and referred to the Select Committee on Industrial Expositions.

Mr. CULLOM introduced a joint resolution (S. R. 77) proposing an amendment to the Constitution in relation to the term of service of the President of the United States, and so forth; which was read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL CLERK FOR COMMITTEE ON INDIAN AFFAIRS.

Mr. CLAPP submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs be authorized to employ an additional clerk until March 4, 1907, who shall be paid at the rate of \$120 per month out of the contingent fund of the Senate.

LUMBER TRADE INVESTIGATION.

Mr. KITTREDGE. I submit a resolution and ask that it be read and lie on the table.

The resolution was read, and ordered to lie on the table, as follows:

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, authorized and instructed immediately to inquire, investigate, and report to Congress, or to the President when Congress is not in session, from time to time as the investigation proceeds, as to the lumber trade or business of the United States which is the subject of interstate or foreign commerce and make full inquiry into the cause or causes of the high prices of lumber in its various stages of manufacture from the log; and the said investigation and inquiry shall be conducted with the particular object of ascertaining whether or not there exists among any corporations, companies, or persons engaged in the manufacture or sale of lumber any combination, conspiracy, trust, agreement, or contract intended to operate in restraint of lawful trade or commerce in lumber or to increase the market price of lumber in any part of the United States.

To carry out and give effect to the provisions of this resolution the Secretary shall have power to issue subpoenas, administer oaths, examine witnesses, require the production of books and papers, and receive depositions taken before any proper officer in any State in the United States.

That the Secretary of Commerce and Labor be required to make the said investigation at his earliest possible convenience and to furnish the information above required from time to time and as soon as it can be done consistent with the performance of his public duties.

PANAMA RAILROAD.

Mr. MORGAN. Mr. President, if I am in order, I ask the Chair to lay before the Senate the resolution I offered on yesterday, with a view of submitting some remarks upon it.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTUS for Mr. MORGAN, as follows:

Resolved, That the Committee on Inter-oceanic Canals is directed to inquire and report by bill, or otherwise, whether any or what action of Congress is necessary to bring the alleged corporation of the Panama Railroad within the direct control of the Isthmian Canal Commission or of the Government of the United States.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Maine?

Mr. MORGAN. Certainly.

Mr. HALE. I do not wish to interfere with the Senator if he desires to debate his resolution. Of course we all understand that when a Senator introduces a resolution upon any subject and desires to speak upon it that courtesy is granted him. But I wanted to ask the Senator whether he proposes.

after his remarks, if he makes them, any action upon the resolution?

Mr. MORGAN. Not to-day.

Mr. HALE. The President has indicated that he will, at a very near day, submit to Congress a special message upon the subject of the Isthmian Canal, which he has personally investigated, so far as he was able to do so in a short time. In view of that I think the Senator will agree with me that as the message from the President, covering all subjects, and undoubtedly the subject of the Senator's resolution, will soon come in—

Mr. MONEY. If the Senator will excuse me, it is impossible to hear him here.

Mr. MORGAN. The remarks I expect to submit to the Senate to-day are exactly pertinent to the resolution I offered, and they relate to the Panama Railroad Company and the disposition the Congress of the United States ought to make of that very intricate, tangled, and difficult question. I presume the President's message will relate to the Panama Canal, and my speech does not.

Mr. BACON. We are equally in trouble about hearing the Senator from Alabama since he has gone over to be near the Senator from Maine. We can not hear what the Senator from Alabama says. We do not know in this part of the Chamber what has been said by either of the Senators.

Mr. MORGAN. The Senator from Maine, as I understand it, thinks that out of some courtesy to the President of the United States I ought to defer my remarks upon my resolution until the President's message comes in.

Mr. HALE. No; if the Senator will allow me, he is entirely wrong. I do not think the Senator should refrain from making his remarks on his resolution, but I do not think any action should be taken at this time.

Mr. MORGAN. No; I do not wish to take any action to-day.

Mr. HALE. If no action is contemplated by the Senator, I do not think there is any reason for interposing. I do not in any way seek to interfere with the Senator in his remarks.

Mr. MORGAN. All right.

Mr. President, I will ask that the Secretary again read the resolution.

The VICE-PRESIDENT. The Secretary will read the resolution at the request of the Senator from Alabama.

The Secretary again read the resolution, as follows:

Resolved, That the Committee on Inter-oceanic Canals is directed to inquire and report by bill, or otherwise, whether any or what action of Congress is necessary to bring the alleged corporation of the Panama Railroad within the direct control of the Isthmian Canal Commission or of the Government of the United States.

Mr. MORGAN. Mr. President, I wish to present some facts and pertinent observations on the subject of the Panama Railroad, not with a view to the control of its commercial operations by substituting new plans for the conduct of its business or of regulating such conduct, but to place it and its earnings and expenditures and its accountability and management in proper relations of lawful authority and responsibility to the Government of the United States.

I am thoroughly satisfied that no more important legislation connected with the Panama Canal requires the immediate attention of Congress, and this view of the subject includes the preservation of our honor and integrity in respect of our commerce with foreign countries.

To bring this feature of my statement directly to the consideration of Congress and to show its pressing importance, I will present one statement made by the Secretary of War in a recent communication made by him to the chairman of the Committee on Inter-oceanic Canals.

The Secretary of War, in a paper dated June 28, 1906, sent to Hon J. H. MILLARD, chairman of the Committee on Inter-oceanic Canals, to be incorporated in the hearings of the committee, in which he argues in favor of the maintenance of the present relations of the Panama Railroad Company to the Isthmian Canal Commission and the preservation of the present nominal existence of that company under its charter by the State of New York, says:

The whole road is therefore completely under the control of the Isthmian Canal Commission. Meantime the artificial entity of the railroad company is maintained, and most conveniently so, in order that it may discharge the duty of a common carrier doing a commercial business, which, under the existing treaty stipulations, the United States would have no right to evade or escape.

The Secretary of War does not state "the existing treaty stipulations" which "the United States would have no right to evade or escape," or how they would be evaded or escaped if the Canal Commission, chartered by Congress, should conduct or discharge the duty of a common carrier doing a commercial business.

I am not informed, except by the statement or allusions of the Secretary of War, that any treaty stipulations exist which

prohibit the United States from engaging in the business of a common carrier or from discharging the duty of a common carrier engaged in commercial business, especially between its own home ports, as is the case between our continental and insular ports, and the ports of La Boca and Cristobal in the Canal Zone.

If there are treaty stipulations with foreign countries that contain such prohibitions as to the carrying of trade between foreign ports, I am not aware of them.

If such prohibitions exist in the stipulations of treaties with foreign powers, they are evaded and escaped by the maintenance of an "artificial entity"—a dead dummy—such as the Panama Railroad Company is, if evasion or escape from responsibility is sought by the United States. The idea that this Government stands in need of a legal fiction or an "artificial entity" to hold it to the discharge of its obligations or its duty as a common carrier, is not only fictitious, but it is by no means creditable.

The United States owns the charter, the property, and the stock of the Panama Railroad Company absolutely and without exception or reservation, and has enacted laws for the construction of a canal that will virtually destroy the great leading purposes for its creation, as they are declared in its charter. The opening of the canal will destroy the main object of its creation, as stated in its charter, which was to work out a concession from Colombia, now adopted and ratified by Panama, for a commercial railway, almost exclusively for foreign commerce, to connect the Atlantic and Pacific oceans or to bridge the Continental Divide between them at Panama.

When this great commercial purpose is abrogated by agreement between the owner of the railroad and the grantor of the concession, there is an end of the original uses and purposes declared in the New York charter, and a dissolution of the corporate franchise, at the option of the United States, as to all the world, except the creditors of the railroad company.

The United States is supreme sovereign over this property, under the Hay-Varilla treaty, as well as its sole and exclusive owner, and can pay, as it has already assumed, the debts of all creditors and compel a final liquidation of them at any day it may prescribe. No creditor could possibly have a standing in any court to make objection to or to contest the validity of such an act of Congress.

If Congress should enact a law for tearing up the Panama Railroad, no creditor could enjoin such a destruction of the property.

Certainly none could object to the assertion of the Secretary of War that this railroad company has become an "artificial entity." As such it must be considered, and not as a legal entity.

The device of mental ingenuity that has been employed to enshrine the remains of the New York corporation as an "artificial entity" and to give it the semblance of legal validity has taxed to exhaustion the commercial-lawyer craft, the wrecker craft, and the promoters' craft of a brilliant mind, that has used this same corporation in many financial, strategic, and diplomatic exploits that have resulted in national strifes and bloodshed and in ruin to a vast number of innocent people.

I will refer to some of these facts in the course of my remarks and to some of the reasons why the continued use of the corporate name and powers of this company is preserved as an artificial entity.

The Secretary of War, in the statement to which I have referred, gives the following account of the legerdemain employed in constructing this artificial entity:

It hardly seems to me worth while to answer the suggestion with reference to the method by which directors are qualified to sit upon the board under the New York laws. One share of stock is sold by the Government to each director, who pays for the stock, and when he receives the certificate indorses it in blank and signs an irrevocable power of attorney to the United States to transfer it again to the United States on demand, the United States paying \$10 to make valid and binding the option to take over the stock. In this way the director is qualified, and in this way the United States obtains power to obtain the share whenever it is needed and to qualify some one else for the director. The members of the Commission constitute the majority of the board of directors, the chairman of the Commission is the president of the road, and a majority of the executive committee are persons connected with the Commission and directly under the orders of the chairman or president.

The whole road is therefore completely under the control of the Isthmian Canal Commission. Meantime the artificial entity of the railroad company is maintained, and most conveniently so, in order that it may discharge the duty of a common carrier doing a commercial business, which under the existing treaty stipulations the United States would have no right to evade or escape.

The "artificial entity" is thus correctly, but very meagerly, described as to its origin and growth by the Secretary of War. It supplanted seven of the thirteen directors of the company who had no connection with the Panama Canal, and it very gradually took on an infusion of seven canal commissioners, and of new blood in the persons of Señor Obaldia, minister from Panama, and Farnham, clerk of Cromwell.

Cromwell stood to his colors and remained a stockholder, director, member of the executive committee, and general counsel of the Panama Railroad Company since 1893, and general counsel of the New Panama Canal Company since 1896, and general counsel of Panama in her infantile hours, and member and general counsel of the Panama legation at Washington. He holds these and other places connected with the Government of Panama to this day.

Cromwell was sole artificer of this "artificial entity," and he is the only known person who has any need for it. As general counsel his powers, coupled with those of director, and with those of Director Farnham and Director Obaldia, and his influence in other quarters, has been and is as nearly absolute in the control of the railroad as if he was sole owner of the entire stock of the company.

The many offices and functions of Mr. Cromwell, connected with the acquisition and control of the canal and railroad property in Panama, and with every stage of the history of that transaction, and his close advisory relations with the President and Secretary of War, which he has industriously and persistently pressed upon them, and his interference with other officers connected with the canal, and his participation, as the diplomatic agent of the Government of Panama, in negotiating a protocol, or *modus vivendi*, with the Secretary of War touching tariff duties, finance, postal affairs, and the rights and privileges of the United States in respect of supplying food to canal employees and laborers, signalize him as one of the persons referred to in the message of the President of January 8, 1906, in which he says:

I court the fullest, most exhaustive, and most searching investigation of any act of theirs, and if any one of them is ever shown to have done wrong, his punishment shall be exemplary.

The Senate responded to this invitation immediately, and on the 9th of January, 1906, adopted the following resolution:

Resolved, That the Committee on Inter-oceanic Canals, or any subcommittee thereof, be, and are hereby, authorized and directed to investigate all matters relating to the Panama Canal and the government of the Canal Zone and the management of the Panama Railroad Company, to send for persons and papers, and to administer oaths, and employ a stenographer to report such hearings; and that the committee be authorized to sit during the sessions or recess of the Senate, and that all expenses thereof be paid out of the contingent fund of the Senate.

The investigation of "all matters relating to the Panama Canal and the government of the Canal Zone and the management of the Panama Railroad Company" would necessarily include Director and General Counsel Cromwell, and the conspicuous adviser and actor in their most important affairs. The committee could no more overlook him in their investigations than it could neglect to inquire into the conduct and character of the seven Canal Commissioners whose names were sent to the Senate at the same time for confirmation, and were referred to it for investigation.

The conduct and character of all the officers and appointees were put in issue by earnest suggestions of the President. As character does not date from a special time or a special event, or a certain employment, the examination into character and the conduct of which it is the outgrowth is not limited to a given period of time.

Several of the most important men officially connected with the canal and railroad were examined before the committee, and the conspicuous interference of Mr. Cromwell in the business of officers of the canal was shown in their testimony. This was notably the fact in the testimony of John F. Wallace, chief engineer, who had resigned his office.

The committee continued its labors almost daily in the examination of witnesses from the 11th of January until the 26th of February, when Mr. Cromwell was called by direction of the chairman. On his appearance, in great form, he had a written statement, which showed much care in preparation. The opening was as follows:

MR. CROMWELL. Mr. Chairman, I observe from the testimony before the committee that it is a matter of interest upon your part to more definitely learn the facts concerning certain subjects relating to Panama Canal affairs with which I have had anything to do since the purchase of the canal by the United States, and I thank you for the opportunity. My law firm, Sullivan & Cromwell, have been the general counsel of the Panama Railroad Company for over twelve years and of the New Panama Canal Company for nine years.

Mr. Cromwell, foreseeing the evil, like the wise man, hid himself behind the time limit, saying: "I observe from the testimony before the committee that it is a matter of interest upon your part to more definitely learn the facts relating to Panama Canal affairs with which I have had anything to do since the purchase of the canal by the United States, and I thank you for the opportunity."

Cromwell disclosed, as part of his written statement, facts

and assertions that tended to impeach the testimony of John F. Wallace given before the committee on his previous examination; thereupon the following questions were asked the witness and his answers thereto were taken:

Senator MORGAN. Wait a moment, Mr. Cromwell.

MR. CROMWELL (continuing). And with the view of an indefinite stay there.

Senator MORGAN. Wait a moment. Is it your purpose, in bringing forward this statement in respect of Mr. Wallace, to contradict and impeach him?

MR. CROMWELL. I am stating facts.

Senator MORGAN. What is your purpose in bringing it forward? You have been asked no questions. What is your purpose in bringing this forward?

MR. CROMWELL. I am stating facts, Senator.

Senator MORGAN. What is your purpose?

MR. CROMWELL. The purpose indicated by the facts.

Senator MORGAN. That is to impeach and contradict him?

MR. CROMWELL. It is to state the facts as they exist, and I suppose the committee desire the facts.

Senator MORGAN. Do you intend to contradict him?

MR. CROMWELL. If the facts contradict him, he is contradicted.

Senator MORGAN. Do you intend to impeach him?

MR. CROMWELL. If the facts impeach him, he is impeached.

The character of an impeaching witness is always in issue, and Mr. Cromwell, in his effort to impeach Wallace, invited scrutiny into his conduct, especially in respect of Panama Railroad and Panama Canal matters at any and all times when he was officially connected with those companies.

If there could be any legal or other reason for limiting his testimony to the period since the railroad and canal were taken over by the United States, he brushed it away when he voluntarily became a witness to impeach Wallace, and he opened up the investigation of his character and fitness to be a dummy stockholder in the railroad and a director thereof and a member of its executive committee and its general counsel to the limit of the demand for investigation which the President says he courted at the hands of Congress.

But in matters that are far more important to the people and Government of the United States and of Colombia, Panama, and France, Cromwell's conduct in dealing with the Panama Canal and railroad since his first connection with each of these corporations was such that the committee, under the orders of the Senate "to investigate all matters relating to the Panama Canal and the government of the Canal Zone and the management of the Panama Railroad Company" was bound to investigate.

While Cromwell's fitness for office is involved in all the history of his dealings with those corporations, the dangerous use he has made of such opportunities, both before and since their property was turned over to the United States, which he can continue to make, are matters that require investigation and action by Congress.

If the Panama Railroad Company is still a New York corporation, with the same powers and rights it possessed before the majority of the stock was obtained by the old Panama Canal Company, and if said rights and powers are legally unaffected by the ownership of the stock and property by the United States, the board of directors are not restricted in their independence of action by such ownership.

In this undeniable state of facts we can not fail to see that the door is wide open to the majority of the board of directors to make regulations as to the transportation of commerce, or of material for canal construction, or of laborers, or employees, or supplies of food, that would retard or prevent work on the canal for indefinite periods of time.

Should such things happen through the wicked recalcitrancy of directors or of the executive committee, or for reasons that are fully justified in law, morals, honesty, or public policy, what could the President, or Secretary of War, or the Canal Commission, or the superintendent of the railroad do to meet and overcome the difficulty and save the canal? The answer is that they could do nothing legally, or even by force. The Secretary of War, in his statement to the committee of the Senate, suggests that the directors who opposed the will of the President or the Commission would have their stock ownership canceled, and would thereby be disqualified as directors and their places could be filled by appointment. In this he fails to notice that the President has no power to appoint directors in a New York corporation.

Let us go a step further and assume that the recalcitrant railroad directors are Isthmian Canal Commissioners and that the President can remove them from office as commissioners and replace them with others that will obey his orders. We see that the case becomes still more difficult, because the substituted commissioners, acting on their conscience, may do the same thing for which the others were expelled from office.

In all these suppositions the courts would sustain the direct-

ors in the honest exercise of their official rights and powers and the President would be denied the power to prescribe to them a special line of conduct.

I have referred to such possible difficulties to ask the attention of the Senate to the remedy for such unnecessary conflict between the moribund New York corporation and the vital powers of the Canal Commission, which is to disregard the charter of the Panama Railroad Company in respect of all operations of the railroad and place the power where it rightfully belongs, in the conduct of the Isthmian Canal Commission.

I will assume, in supporting this suggestion, that there is always harmony of action, if not full agreement, between the President and the Isthmian Canal Commission; but if there should be discord between them it would still be true, under the Spooner law, that the President must construct the canal through the Isthmian Canal Commission and not without their concurrence or in spite of their refusal to consent to his plans or procedure. The importance of this check upon the power delegated to the President, that he shall construct the canal through the Commission, can not be overestimated. Without it any wild, arrogant, or ignorant person who may happen to be President could inflict injury upon the country that many generations of our people could not outlive. With this check reason and experience can be appealed to to prevent headlong folly or corrupt action.

The President is not permitted to construct the canal through or in harmony with a board of directors of the Panama Railroad Company. That instrumentality being an indisputable factor in the work of canal construction, and being the exclusive property of the United States, when Congress empowered the President to construct the canal through the Canal Commission it no more authorized him to take the rightful control of the railroad from the Commission and place it or leave it in a board of railroad directors than it authorized him to take up the railroad and dispense with its further use.

Above all, it is a blow at the entire work of railroad construction to place the motive power that controls it in the hands of persons, as directors, who are independent of the Commission and are mere agents of an independent New York corporation.

I have said that Cromwell and his following on the board of railroad directors can work mischief to the country that will cause us shame and millions of money. If he and his following were considered, or had the right to be considered as being in the foremost rank of trustworthy men, I would feel bound to point out these things and to warn my countrymen of the dangers that underlie them. The fact that changes in the railroad directorate are possible every year, and in the Canal Commission they have been very frequent, in either case the liability to put bad men in authority is perilous; and, next, the fact that there are no safeguards except impeachment and dismissal from office to protect the country from the Commissioners, and none whatever to protect the country from faithless directors.

In the contract proposed for the construction of the canal the rates of transportation of employees and of contractors and their families is one-half the rates charged to others for like services. The fixing of the rates is not provided for, but, under the New York charter, this is done by the board of directors.

The proposed contract binds the Government to keep up a line of ships between New York and Panama, and San Francisco and Panama, to furnish transportation for laborers and others at half rates, which means that the Government will pay half the costs of such transportation at reasonable rates. I refer to this as showing one item in which the railroad board of directors will control enormous commercial interests at discretion.

To further illustrate the great control that the railroad company exerts over foreign commerce I will quote from the deposition of Richard L. Walker (Hearings, pp. 3042-3043) the following statement of the steamship lines with which the Panama Railroad Company has special traffic agreements to share in their freight and passenger receipts at the rate of 25 per cent on every voyage for transportation across the Isthmus:

Senator MORGAN. I will get you, if you please, Mr. Walker, to give the names of the different steamship lines with whom you have this through billing arrangement to-day.

Mr. WALKER. The Royal Mail Steam Packet Company, from London, Southampton, and New York to Colon; the Leyland Line and the Harrison Line, from Liverpool to Colon; the Hamburg-America Line, from Hamburg and Antwerp to Colon; the Compagnie Générale Transatlantique, from various ports of France to Colon; La Volce, from Italian and Mediterranean ports to Colon; the Compania Transatlantica, from Barcelona and Spanish ports to Colon; the Hamburg-America Line, from New York to Colon; the United Fruit Company, from New Orleans to Colon; the Compania Sud Americana de Vapores, from the west coast of South America to Panama; the Pacific Steam Navigation Company, from the west coast of South America to Panama; the Pacific Mail Steamship Company, from San Francisco and the way ports of Mexico and South America to Panama. I think that is all.

I could add to this statement other very heavy transactions, yielding profits, that are controlled exclusively by the Panama Railroad Company without the knowledge of the members of the Commission, who hold nominal or perfunctory relations to the railroad company as members of the board of directors. As I am stating, in a general way, the abuses to which the Government is exposed through the operations of this railroad company—this "artificial entity"—I will not take time to go into the many instances in which the evidence shows that this free-lance corporation is robbing the people and the Government.

A blind confidence in Mr. Shonts as superintendent of the railroad and Mr. Drake as deputy of Mr. Shonts and Mr. Cromwell as general counsel and Mr. Farnham, his clerk, and Señor Obaldia, minister plenipotentiary from Panama, seems to have saved the Secretary of War from much trouble in superintending railroad matters and in giving out orders to the board of directors, as matters progressed; but it has frequently entailed upon him much perplexity in the post-factum examination of their doings and in revoking their action and excusing their misconduct. The general counsel seems to have been leading counsel in most of these flagrant offenses and is happy in receiving compliments where he deserved punishment.

The "statement" of the Secretary of War submitted to the chairman of the committee on the 28th of June, 1906, after the committee had agreed that no more testimony should be taken until December, I will ask leave to append to my remarks.

In that statement the Secretary enters upon a careful and elaborate defense of Mr. Cromwell against what he calls "suggestions" that had been made in the committee. These suggestions were only questions that were put to Cromwell and Drake while they were endeavoring to explain transactions of the board of directors of the railroad company, that were called to their attention. No argument or suggestion from any member of the committee to emphasize the gravity of the facts as they were detailed was necessary, and no charge was made that did not necessarily arise out of the facts stated by the witnesses.

It seems to me that the belated statement of the Secretary of War is an effort to explain away the facts, rather than to show that any incorrect "suggestions" as to the culpability of Cromwell had been made by any committeeman in the course of the examination.

Cromwell himself could not have written a more astute and plausible argument to excuse or justify these palpable wrongs and frauds against the Government. The fine distinctions he makes as to the rights of stockholders to distribute among themselves, as dividends, money that had been expended necessarily in betterments on the railroad before the United States had acquired the property and to pay these dividends out of cash in the treasury of the company, and by selling bonds of the company, is worthy of the nice inventive skill and the professional ethics of Cromwell.

The difficulty with the explanation of the Secretary of War is that it does not explain. It confuses the situation and is very like the efforts of Cromwell, Drake, and Deming in their testimony before the subcommittee of the Committee of the House on Interstate and Foreign Commerce in February, 1905, to explain how a cash dividend could be honestly declared and paid to stockholders out of money that had been expended in improvements and betterments on the property of the corporation two or three years before the declaration of the dividend. Their stock had been increased in value by such improvements and betterments, but they also wanted the money that had been so expended in addition.

Some of it, if not all of it, had been borrowed on bonds issued by the company, some of which bonds the company had paid and even destroyed, and others were still outstanding in the hands of purchasers. They left these debts unpaid and put the money in their pockets that should have been applied to them.

This was the first successful effort to disprove the truth of the homely adage, "One can not eat his pie and have it." Cromwell's neatest work of inventing plans of overreaching was done in this project of the railroad company to make the United States pay its debts, while they took the money from the Treasury that was owing to the bondholders and divided it among the stockholders. Cromwell seemed almost to have convinced the subcommittee of the House that the bookkeeping system that he so adroitly contrived to prove the justice of this robbery had actually converted the money that had been expended in betterments on the railroad one and two years previously so that it was in "liquid" cash in the treasury.

The lamp of Aladdin never wrought a more magical change of base earth into gold than was accomplished by this magic of bookkeeping. But it failed to deceive the able members of that subcommittee. In their report they left this matter open for

further consideration and confined their applause to the "conspicuously able, progressive, and businesslike management" by the officers of the Panama Railroad, and say that, "owing to the shortness of the session and the great press of business the committee has not been able to take all the testimony which it otherwise would have taken."

The Secretary's suggestion that they passed upon this inquiry is not supported by the record.

They express no opinion as to the dividends or the bonded debt, or financial condition of affairs of the railroad, or as to the bookkeeping tergiversations that Cromwell, Drake, and Deming had so laboriously attempted to explain. The committee were alert, searching, and remarkably apt in searching for the truth of these unique and suspicious specimens of bookkeeping legerdemain, but did not have time to come to any conclusion about them, and they dropped it from their report and only reported the evidence.

It is on this state of the record that the Secretary of War bases the following statement:

The charge against the management of the Panama Railroad Company that the dividends had been improperly declared and bonds improperly issued was first made by General Davis when he was governor of the Canal Zone, in a separate report, as a member of the Canal Commission. The report came to my attention in January, 1905. On January 12, 1905, the House of Representatives authorized the Committee on Interstate and Foreign Commerce, or any subcommittee thereof, to investigate the affairs of the Panama Railroad Company. On January 13, 1905, a committee was appointed, consisting of the following: Mr. SHACKLEFORD, Mr. LOVERING, Mr. ESCH, Mr. TOWNSEND, and Mr. ADAMSON.

The subcommittee reported to Congress that "the testimony shows that the management by the officers and directors of the Panama Railroad has been conspicuously able, progressive, and businesslike." This report was made after the fullest investigation into the question of dividends declared and bonds issued, and in the light of the statement of General Davis in the report already referred to. All the officers of the road were examined by the subcommittee, who went to New York for the purpose, and who examined all the books of the company.

It did not seem to me, after this report, that it was necessary for me further to investigate the question whether the Panama Canal Company was indebted to the United States for an unlawful and improper declaration of dividends before the United States received the canal company's stock in the railroad company. But the question has now been further mooted, and I have taken occasion to investigate the exact condition of affairs in the railroad company with reference to declaration of dividends and issue of bonds.

I think no one will be found to question the universal belief that no abler, wiser, truer, more honest, or more courageous man than Gen. George W. Davis has yet been placed on the Isthmian Canal Commission.

The Secretary could not have carefully read the report of the subcommittee of the House Committee on Interstate and Foreign Commerce before he made that statement.

In order to bring the truth of history to bear on Cromwell's handling of the Panama Railroad, so far as it is available under the screen of concealment that he has so far been able to throw over it, under the assumed shelter of privilege as a lawyer preserving the secrets of his client, in defiance of the rulings of the Senate Committee on Inter-oceanic Canals, I will make another quotation from the statement of the Secretary of War:

The railroad company, prior to 1893, had made large net earnings, some of which were used in declaring dividends and others in constituting a sinking fund to redeem bonds. The last dividend was declared in January, 1893, from earnings in the previous years. In 1893 and 1894 there were losses instead of profits, due to attempted competition with the Pacific Mail Steamship Company. Profits began again in 1895. From January, 1895, until March, 1901, when a dividend of 2 per cent was declared, the directors adopted the policy of declaring no dividends whatever. They devoted their earnings, which were large for those six years, to the reduction of their bonded indebtedness and in part payment for the construction of the La Boca pier, which ultimately cost about \$2,200,000, and other improvements that properly might be regarded as additions to the permanent plant and the capital of the company. The offer to sell the whole property of the canal company, including the shares in the railroad company, was made in January, 1902. Between the time of that offer and its actual acceptance by payment of the \$40,000,000, May 7, 1904, the Panama Canal Company had added to its holdings 24 shares, which it transferred to the United States without an additional compensation over and above the price of \$40,000,000.

The proposition of the canal company to sell its property never became a binding contract by definite and unconditional acceptance of the United States until after the ratifications were exchanged and the treaty between Panama and the United States was proclaimed on February 26, 1904. Indeed, after that the stockholders of the Panama Canal Company had to authorize the sale, and the United States never became bound as upon contract before the proposed sale was completed by the payment of the money. It is hardly necessary for me to detail the occurrences between the first proposition in January, 1902, and the actual transfer, May 7, 1904; but it may be safely asserted that the Spooner Act, which was passed June 28, 1902, prevented the President from accepting the offer of the canal company until it was decided whether Colombia would grant the proper right of way, or until, in view of subsequent events, it was decided that the treaty with the Republic of Panama would be ratified by the Senate of the United States. In other words, the Panama Canal Company was in the attitude of one proposing to sell shares in a company whose proposal was not accepted, but remained open for acceptance until the time when the actual cash was paid.

This statement has the vigor of argument that a lawyer would employ in arguing his own cause and the savor of personal interest that I am sure the Secretary of War did not feel and the force of important constructions of the agreement for the sale of the canal and railroad properties that are antagonistic to the rights of the Government and are serious and unfortunate.

I infer that, in the heat of the Secretary's effort to shelter a friend who has been entangled in a doubtful situation by the testimony of Drake and others on hearings before the committee, he has argued with a zeal that outruns discretion.

But this statement of the Secretary of War opens the door to other inquiries that must be conducted by a comparison of known facts, proven by others, because Cromwell has so far refused to uncover them, and he alone in the United States is in possession of all the details that would explain the uses that have been made of the Panama Railroad in hostility to the laws, public policy, and interests of the Government and people of the United States.

No corporation has ever been made the instrument of more wrongdoing to the people who created it and to other peoples and governments. The Panama Canal Company was chartered by the State of New York on April 7, 1840. The incorporators were thirteen men of character, among the best citizens of the United States, with William H. Aspinwall as leader. The capital stock was \$5,000,000, afterwards raised to \$7,000,000, and the par of the shares was \$100. There were thirteen directors, of whom five were a quorum. The directors were to appoint one of their number president, and all vacancies in the directorate were to be filled by them. The corporation was empowered to take over by purchase a concession made by New Granada to Aspinwall, Stevens, and Chauncey for a railroad connecting the oceans at Panama.

Section 9 provides that stockholders are personally liable to creditors for debts to the amount of the stock held by them.

This company opened the way to the treaty of 1846, which is the most important we ever had with an American state.

The railroad was constructed for a sum less than the capital stock. From 1852 to December, 1904, the net earnings of the company was \$38,859,254.30.

In his deposition before the House committee, Cromwell stated as follows:

Throughout that entire period there were, you see, but two years in which a deficit occurred. Those were the years 1893 and 1894, when the company was trying one of these experiments. This \$38,000,000 is the colossal return of this property, managed as a combined railroad and steamship business.

The CHAIRMAN (Mr. HEPBURN). How much has it diminished its debt during that time?

Mr. CROMWELL. During that period, sir?

The CHAIRMAN. Compare the debt of 1852 with the debt of to-day.

Mr. CROMWELL. Mr. Chairman, there was no mortgage on the property in 1852. It was built with the proceeds of the stock, etc. The company has never issued but two mortgages in all its history.

The CHAIRMAN. When were they issued?

Mr. CROMWELL. The 7 per cent sterling mortgage was issued in 1867, and it matured in 1897. It was for \$4,000,000. In 1897 it was replaced by the present 4½ per cent first mortgage issue. By applying earnings to that purpose we have gradually reduced that issue so that to-day there are outstanding but \$3,150,000 bonds, of which the company itself owns in its own treasury, as treasury assets, \$647,000, leaving only \$2,372,000 in the hands of the public. Thus the original mortgage debt of \$4,000,000 has been reduced to a net outstanding indebtedness of \$2,372,000.

The CHAIRMAN. When you say "this mortgage," you mean the last one?

Mr. CROMWELL. Yes, sir; the present 4½ first mortgage.

The CHAIRMAN. The older one was canceled?

Mr. CROMWELL. Yes, sir; it was canceled in 1897 and replaced by the present one I have referred to. I made the sale of \$2,000,000 of these bonds myself to Messrs. Vermilye & Co., bankers, of New York, as a member of the executive committee. I sold them at a good price, and from the proceeds of the sale of these 4½ per cent bonds, plus \$705,000 cash out of the treasury, we paid off the balance due on the sterling mortgage.

The Panama Railroad Company is never a borrower. Such a thing as issuing a note or bills payable, or anything of that character, is unknown to us. We are always a depositor of money at interest. For years and years, surely as long as I have been connected with the company, it has been a depositor at interest of moneys in the trust companies of New York, and it is at this moment. We seldom have a balance of less than \$500,000 to \$1,000,000 in cash. Our balance now is over \$500,000 at this moment, after paying \$350,000 in dividends on the first of this month. We discount for cash our accounts current for supplies as fast as we can, availing ourselves of every means of discount and economy in that way.

In 1880 De Lesseps came to the United States and organized the American committee, consisting of a member from each of the great New York houses of J. & W. Seligman, Drexel, Morgan & Co., and Winslow, Lanier & Co. Secretary of the Navy, Mr. Thompson, was induced to resign and accept the chairmanship of the American committee, according to the report of the House committee of the Fifty-sixth Congress, at a salary of \$25,000 per annum. General Grant had declined the place.

The American committee purchased for the Panama Canal Company, in 1881, 68,500 shares of the stock of the Panama Railroad, at \$250 per share, that had been selling for \$150.

The committee of the House say in their report:

The fact is that these three banking houses named above received, apparently for the loan of their names, and for nothing else, to this enterprise, the immense sum of 6,000,000 francs, or \$1,200,000—\$400,000 a piece, or \$50,000 a year, was paid these houses without the knowledge of the chairman of that committee, who all the time supposed that he was the important factor in this enterprise and was himself receiving only half of that sum annually.

Such extravagance was a small feature as compared with the expenditure of \$260,000,000 in less than ten years, with an alleged result of the excavation of two-fifths of the canal, and a debt for interest-bearing stock subscriptions and bonds of over 2,600,000,000 francs resting heavily on the stockholders and mainly the industrial people of France, or was, rather, a total loss to them.

The New Panama Canal Company took over all the assets of the old company, and was organized by a court of France under a law of the French Assembly dated July 1, 1893. Under this law France became sponsor for the new company, and distinctly violated the doctrine of all our Congressional resolutions—that no foreign government should construct a canal through the American Isthmus.

The French court organized the new company in pursuance of this statute, with a capital of 65,000,000 francs, under the stipulation that it should complete the canal according to the concessions from Colombia. This capitalization, of which 5,000,000 francs was given to Colombia for extending the concessions to the 31st of October, 1904, the remainder of the capital being \$12,000,000, was only enough to show that it was a mere ruse, intended to deceive Colombia into quietude and to prevent her from forfeiting the entire concession. The promise to complete the canal was made by persons many of whom stood convicted in the courts of France for felonious frauds on the old company. They received pardon for their offenses along with their new charter. First and last they paid in about 75 per cent of their subscriptions for stock, and they or the purchasers of the stock from them have been paid \$18,000,000 by the United States out of the \$40,000,000 deal.

They have put in no money, issued no bonds or additional stock, and have spent about \$9,000,000 in engineering and in scratching over the surface of the Culebra cut, while the dredged channel cut by the old company has been allowed to fill with silt at many places.

To make matters safe against any forfeiture of the canal (Wyse) concession by Colombia, the old company sold the Panama Railroad to this new company. If they completed the canal, they were to have the railroad without any money compensation. If they failed to complete the canal, they were to pay the old company \$5,000,000 for it; but in no case could they sell it. Why was this strange feature introduced into this contract? It must have been because the railroad was a necessary part of the canal for construction purposes, but was protected from reverting to Colombia, under the Wyse concession, in case of its forfeiture, because it was under a New York charter and a separate concession, as to which there was no cause or ground of forfeiture. Mr. Attorney-General Knox, in his opinion on the subject of the canal, says the old and the New Panama Canal companies were partners in all the property after it was turned over to the new company. I quote what he says in his opinion, as follows:

The essential nature of each of the two companies, the New Panama Canal Company and the old Panama Canal Company, is that of a voluntary partnership, their powers being similar to those of an individual Frenchman—an individual merchant corresponding to the new company and an individual who is not a merchant to the old company. These companies have, therefore, the same power to sell their property that an individual Frenchman would have, subject to the right of third parties to oppose the sale because of claims against the property for debts, etc.

The railroad was the only paying asset in the entire partnership, and it was carefully guarded against all comers. Sometimes the dividends were paid to the liquidator of the old company and sometimes to the president of the new company, but how they were divided will remain unknown until Mr. Cromwell consents to answer.

It was obvious from the time and under the circumstances attending the creation of the new company that there was no real purpose to complete the canal, and it was either to be forfeited to Colombia or disposed of to the United States—the only possible future owner.

The proposition to dump it onto the United States, under the charming idea of its "Americanization," was agreed upon by the directors of the new company on the 18th of November, 1898, and was communicated to the President of the United States by

J. Bonnardel, president of the board of directors. It has been often printed, but I will append a copy to my remarks.

Cromwell was asked by Mr. Boyard, agent of the canal company, to become a director in the railroad company, and says he bought 14 shares to qualify himself and others for that office. (See hearings, pp. 1141 and 3062). This date was March 31, 1903. (Hearings, p. 3036.)

Cromwell was appointed general counsel of the railroad in 1893 and of the canal company in 1896. Bonnardel's plan of Americanization was made December 18, 1898, and Cromwell's programme is dated November 21, 1899.

These consecutive events show that the New Panama Canal Company in fact abandoned any purpose to complete the canal, if it ever had any, and to dump the property on the United States, and that Cromwell was appointed general counsel of the railroad and canal company for that purpose.

The desperation of this effort was manifest in the industry, overreaching, and recklessness with which it was followed up.

One point was necessary to be accomplished that caused Colombia to revolt against the demands of the canal company. It was a further prolongation of the Wyse concession from 1904 to 1910—six years. This was one of the professional jobs that Cromwell was to undertake as general counsel for the canal company. The prolongation was not wanted to complete the canal. It was wanted to give more time to exploit the plan for the Americanization of the canal.

The Hepburn bills were passing through the House in successive Congresses, and that fact made the necessity for the extension of the Wyse concession very urgent. Such an extension was a lease of life for the concession that Colombia could not destroy, with France to back the new company which it had created, for twelve years after the date of Bonnardel's offer to the United States, as president of the New Canal Company, on the 18th of November, 1898.

Without such extension it was impossible to get the United States to undertake such a work; or that Cromwell's New Jersey corporation of the "New Panama American Canal," or the company he attempted to organize in 1899, would undertake it, with only six years, or five years, of the life of the Wyse concession remaining.

With the hands of Colombia tied hard and fast, and with France to protect the New Panama Canal Company, it was a safe calculation that some disposition could be made of the canal property and the Panama Railroad that would be profitable to the stockholders of the new company, and Cromwell, as general counsel of the railroad and of the canal, struck out actively for such a result. He held the practical control of both companies and became the negotiator for Marroquin, President of Colombia, and for the canal and railroad properties to bring about a sale to the United States. How he acquired the power over the Government of Colombia to be associated with Concha, Marroquin's minister in the negotiation of the Hay-Concha treaty, he conceals from Congress by refusing to answer questions propounded to him by the Senate committee, on a pretext of professional privilege that could not possibly exist in his favor.

This project of forcing from Colombia an additional concession of time, from 1904 to 1910, led to civil war in Colombia that lasted from 1898 to 1903 and destroyed 100,000 lives and created a debt of \$6,000,000. Cromwell was cognizant of the steps and proceedings that led to this civil war, as is shown by his letter to Secretary Hay of December 5, 1898, which I will append to my remarks.

I will now present a synopsis of the facts known to Cromwell, on which he based the statements in that letter, some of the most important of them being stated in the letter.

Sanclemente was elected President and Marroquin was elected Vice-President of Colombia in 1898 and entered office in the summer of that year. The Congress was elected and took office at the same period. The Congress was elected for two years. After Sanclemente was inducted into the Presidency the Panama Canal Company proposed to him to pay Colombia 5,000,000 francs (\$1,000,000) for an extension of the Wyse concession from 1904 to 1910. He referred the offer to Congress, which was then in session, for ratification, as he was bound to do by the constitution of Colombia. Congress considered the offer and rejected it. Thereupon Sanclemente announced his purpose to ratify the contract as President and accept the 5,000,000 francs, notwithstanding the refusal of Congress to accept the agreement. Congress then declared his office vacant and adjourned sine die and did not again meet. Sanclemente declared Colombia to be in a state of siege and assumed dictatorial powers.

Civil war ensued in many of the provinces, and the Liberal party issued a manifesto.

On the 26th of April, 1900, Sanclemente accepted the 5,000,000

frances from the canal company and issued the decree granting the extension of the Wyse concession from the 31st of October, 1904, to the 31st of October, 1910. Soon after Sanclemente was removed from the Presidency by a decree of the supreme court on the ground that he had violated the constitution by residing away from Bogota, the capital of Colombia, and Marroquin, Vice-President, took office as President. Sanclemente died soon after he was thus deposed, and Marroquin prosecuted the civil war against the Liberals.

The Concha treaty was concluded, the Spooner law was enacted, and the Hay-Herran treaty was concluded and ratified by the Senate while civil war was flagrant in Colombia. It reached Panama, and the Liberal forces gained such victories as to disable Marroquin's forces, unaided, to hold the country.

Our Government took control of the Panama Railroad with the consent of that company to enforce the right of free transit granted in the treaty of 1846, and interposed its power to prevent the Liberals from attacking the city of Panama. The result was a capitulation that provided for the election of a new Congress for Colombia, with the express purpose of ratifying the Hay-Herran treaty.

That Congress met on June 20, 1903, and rejected the Hay-Herran treaty.

That act led to the alleged secession of Panama in November, 1903.

This synopsis of the facts shows that this civil war was the result of the rejection by act of Congress of the offer of the canal company to purchase the extension of the Wyse concession from 1904 to 1910, and the refusal of the people, after the civil war was ended by capitulation, to elect a Congress that would ratify the Hay-Herran treaty, which gave Colombia no voice or part in fixing the price of the sale of the canal and her reversionary rights in it and in the railroad to the United States, but treated the full ownership of both as being in the canal company.

Colombia was permitted to either accept or reject the price of the property fixed by the canal company and no more. She refused the terms, thereby incurring the angry hostility of the President of the United States and of Mr. Cromwell, and her temerity cost her the secession of Panama.

Cromwell's intimacy with Marroquin while he was prosecuting the bitter and bloody civil war to enforce Sanclemente's decree for a six years' further extension of the Wyse concession is shown by his letter that the President sent to Congress with the Concha treaty as an argument in its favor, which I will append to my remarks. His eulogy on the glorious attitude of Colombia, except for its fulsome and vapid exaggerations, would become any Spanish *hidalgo* who ever rattled his spurs or brandished his sword in vindication of his country's honor. Marroquin seems to have resented this officiousness when he refused to urge the ratification of the Hay-Herran treaty upon the Congress of 1903, and incurred the bitter resentment of the President of the United States.

Cromwell, in his examination before the committee, halted at his letter of December, 1898, to Mr. Hay, and, spreading the mantle of professional privilege, as a lawyer, to protect the sacredness of his secrets, refused to make any explanation of that letter or to state anything respecting his knowledge of, or his dealings with, affairs in Colombia until he asserted the fact that he had blossomed out as a Colombian diplomatist, in his letter expounding the Concha treaty. After that exposure he again closed his shell and refused to speak of his participation in the secession of Panama and the negotiation of the Hay-Varilla treaty. He even hides that transaction under the screen of professional privilege, as general counsel for the Panama Canal Company.

This work with Sanclemente and Marroquin, as to which he refused to testify, and a few visits to Paris for consultation, and his letter to Secretary Hay, and his services as counsel, witness, and lobbyist to put down the Hepburn bill in the House of Representatives is all the business he is willing to admit that he did for the Panama Canal Company.

For this he got an allowance for office expenses and for consultations with an engineer, including his fees, and he received not exceeding \$200,000 in money for professional services during his employment by that company, and still has a large sum due from that company which he has been "too busy" to give his attention. No bill has been rendered for what is yet due, and no special contract exists for compensation. This service extended over seven years, nearly \$30,000 per annum, besides his salary of \$6,000 per annum paid by the railroad for eleven years, or \$66,000; in all, \$266,000.

I have traced Cromwell's line of conduct in his dealings with Colombia, which is not wholly concealed, in spite of his alleged professional privilege, that I might point out more distinctly

his line of action, as director and as general counsel of the Panama Railroad, in aid of the purpose of the canal company to break its promise to complete the canal and to prevent Colombia from enjoying its rights under the Wyse concession.

The canal company had no doubt that the railroad, which had yielded more than \$38,000,000 in net profits in a period of fifty years, was as good a piece of property as could be found in the world at a cost of \$18,000,000. That sum is \$1,000,000 in excess of all the cash that the stockholders paid into the New Panama Canal Company, viz, \$12,000,000, and of the \$5,000,000 they were to pay to the old company for the railroad if they failed to complete the canal.

In the event of such failure they would get back all the money they had paid into the treasury of the canal company and would get the railroad for \$5,000,000. So that the transaction was perfectly safe, even if Colombia should acquire all the canal property by the forfeiture of the Wyse concession.

This forfeiture was certain, unless France should interpose to prevent it, for the New Panama Canal Company was neither able nor willing to complete the canal. From the beginning they had no such purpose. Their purpose was to "Americanize" the canal, as they called the dumping operation they planned to get rid of it. Obviously, then, all the value that the canal company could transfer to the railroad from canal work and property was so much saved from the grasp of Colombia, if the dumping operation failed.

In this feature of the operation the talents, skill, experience, and good nature of Cromwell as director, executive committee-man, and general counsel of the railroad company was valuable, and was not overpaid by the salary of \$6,000 per annum and other valuable perquisites.

Among the earlier of many such operations was the sale of cars, locomotives, and other machinery that had accumulated on the hands of the canal company to the railroad company for \$400,000. A purchase that the railroad company had no need to make, and would never have made from a stranger. This money was paid from the gross earnings of the railroad company.

The canal company sold wharfs and derricks to the railroad company and did much work in renewing its tracks and removing them, for which the railroad company paid out of its gross earnings.

The railroad bed was laid and equipped by the Aspinwall company from Colon to the city of Panama, and so continues to the present time. In its concession the railroad company was bound to extend its tracks to deep water at or near Perico Island, a distance of 3 miles. The canal company dug a channel for steamships, about 3 miles long and 30 feet deep, from a point near that island to the coast at La Boca, about 3 miles west of Panama City, and built a pier there for the handling and unloading of ships of the greatest dimensions that come to the Bay of Panama.

All that was done by the canal company was canal work, under the Wyse concession, and in case of its forfeiture it would revert to Colombia. To prevent this the canal company sold its ditch and pier and plant to the railroad company and was paid for it out of the gross earnings of the railroad and in bonds more than \$2,122,000, thus placing that much of the canal property in the ownership of the railroad and out of the reach of forfeiture by Colombia, if the Wyse concession should be forfeited.

To make sure of this ownership of the canal property, through the ratification of the agreement by Colombia and Panama, and to secure the substitution of this agreement as a compliance with the terms of the concession of Colombia to the railroad company that it should build its track out to deep water from the terminus at Panama, the railroad company created a regular diplomatic mission to Bogota, on which, with others, a relative of Marroquin was appointed. The negotiations of these diplomatists were protracted, formal, and astute, and were under the supervision of Counsel Cromwell of the railroad company, who wrote many of the most difficult and intricate dispatches, some of which are spread at large upon the minutes of the railroad company. Drake's testimony gives quite an account of these negotiators and their doings and writings, and shows that the important ministers were officers or stockholders of the railroad company, or of the canal company, and sometimes of both companies. In this fraternization of these companies in a negotiation that added to the property of the railroad company and saved the canal company from the peril of its confiscation, the canal company gave the direction to the operations.

All this diplomatic play furnished the opportunity to Cromwell to draw near to Marroquin and to gain his consent, as President of Colombia, to the sale of the canal concession and

property to the United States on the terms and conditions of the Hay-Concha treaty, which was so greatly extolled in the letter of Cromwell which our President sent to Congress.

Finally, the La Boca matter was closed by heavy payments to Colombia and Panama, and the postponement of the right of Colombia to require the extension of the railroad track to deep water for thirty years. This was a strategic coup that cut Colombia off from claiming the reversion of the La Boca pier and ditch and the railroad leading to it, if the Wyse concession should be forfeited, leaving the railroad concession to stand as thus amended, but the railroad company had to pay all the costs of the campaign out of its gross earnings or bonds.

This American corporation in French ownership and under the twin powers and advantages of an American lawyer, who was general counsel for the railroad company and the canal company, was used to hammer Colombia, who was our near friend since 1846, into terms that made her right to the reversion of the canal property under the Wyse concession of no avail or worth to her, because she had been tricked into a change in the situation by Cromwell's diplomacy that cut her off at least for thirty years from access with a canal to the Bay of Panama by any feasible route. The railroad under this new agreement held the only available route for a canal from Miraflores to the Bay of Panama at least for thirty years, and that ended the whole value of reversionary interest of Colombia under the Wyse concession, and its further forfeiture would have left her by way of reversion only the miserable scrap heap of metal and machinery scattered through the jungle that we have paid for under the head of "Errors and omissions" at an enormous cost. This is the result of the La Boca enterprise. That destroyed the canal route, under the Wyse concession, if it was forfeited to Colombia. In such an event it would belong to the Panama Railroad under the manipulation of Counsel-General Cromwell, but at an enormous cost.

Then bonds began to issue to the public from a company that had never owed a dollar that it could not pay prior to 1896, and deficits began to defame a corporation that had always had money for large dividends after heavy current expenditures.

From 1898 until the Spooner law was enacted Cromwell and Bô rushed their dumping policy until \$40,000,000 was in sight for the canal company, of which the New Panama Canal Company would get \$18,000,000 and the railroad. The contract of sale to the United States was to be completed even at the cost to Colombia of the loss of the State or Province of Panama. And it was lost to Colombia. A decree that is stronger than any law in the statutes or in the treaty books was made, and it brought the ownership of that Canal Zone and the railroad to the United States. Colombia was left out in the cold, in company with the debris of our broken treaty, and Panama "rose as one man" and got the \$10,000,000 we had admitted to be due to Colombia.

While the railroad stock remained in the hands of the "two partners," as Mr. Attorney-General Knox describes the old and the New Panama Canal companies, the quiet robbery of the beehive began while the bees were preparing to leave it, and Mr. Cromwell was the king bee in the devastation.

He objected to the jurisdiction of the committee to inquire into any matter that was antecedent to the date of the sale of the property to the United States, forgetting that he had contended that Bô's offer of sale in January, 1902, was confirmed by the final sale that occurred in May, 1904, and was a part of it, and that he claimed that Bô's offer carried interest until it was confirmed. Mr. Secretary of War also uses this fallacy as a serious argument. Cromwell also forgot that while he was testifying before the committee he was, as counsel for the canal company, pressing a claim before the President as arbitrator for the work done on the canal from the date of Bô's offer until May 19, 1904, amounting to more than \$1,000,000, which demand has been rejected by the President very recently.

This work was done in a way so perfunctory and at such waste of machinery that its value to the United States was almost nil. While doing it they allowed excavated parts of the canal that were dug and dredged by the old company to fill up, and our engineers assert that the machinery turned over to us was, and is, in a state of uselessness; and the great bulk of it has gone into a condition where it is of no value even as scrap iron. They say it would have been an advantage to our work if none of it had been left in the Canal Zone.

It was for this sort of work that the Secretary of War, in his statement, excused and justified the railroad company, under the advice of the "general counsel," in using money that should have been applied to the repair of the old steamships—the *Alliance* and the *Finance*—that were laid up as being unseaworthy. The proposition is distinctly proved that the directors of the railroad company willfully and without excuse suffered its prop-

erty to decay and deteriorate when they had plenty of money to keep it at least in the state of repair that it was in when M. Bô offered to sell it to the United States; and this depreciation ran riot from the time it was known that Bô's proposition to sell it for \$40,000,000 to the United States was agreed to, in every and any event.

Bô's proposition was that of a desperate gambler who was playing for the forlorn hope of saving the New Panama Canal Company all the money it had expended on the canal for the purchase of pardons of felons and the remission of fines they had incurred in robbing the old company. M. Hutin, the director-general of the canal and railroad, had caused the property that was turned over to the new company to be valued by lawful and sworn appraisers. They valued it at \$109,000,000. When the Walker Commission offered an estimate of \$40,000,000 as the value of the property, Hutin refused to accept it and resigned his office, from which he was driven by M. Bô. He was elected president of the board of directors, and hastened to snap up Admiral Walker's tentative bid of \$40,000,000 by cable. The throwing away of \$69,000,000 in this reckless game left a debt due to the French people of more than \$1,000,000,000. When they realized their loss and that the men who had wrecked the old company were pardoned for their crimes, on the promise to complete it for 40 per cent of its profits, and that the Government had opened this door to the final robbery of the people, Paris shook as if in the throes of an earthquake. Cabinet ministers resigned. The French Assembly was thrown into furious excitement, and De Lesseps, the greatest and least culpable of the canal officers, was condemned to the penitentiary while on his deathbed—a vicarious sufferer for the crimes of others.

The Walker Commission thought they could construct the canal at \$5,000,000 saving under the cost of the Nicaragua route, and Cromwell stepped forward and accomplished his plan of Americanizing the Panama Canal by adding to the French debacle the robbery of Colombia, at the cost of civil war.

The directors of the railroad company, who had been chosen by the Panama Canal Company and the general counsel, remained in office from the time of Bô's offer to sell, and before that time, until the United States paid for the property on May 9, 1904, and after that time until April 1, 1905. Some Canal Commissioners were injected into the board, as places could be made for them by resignations, until April 1, 1906, when all the board were elected by order of the Secretary of War and are now subject to his orders in every official act.

It is a pardonable pride of authority he enjoys in being left to his own will, independently of Congress, in directing such a body of directors, and he would have had a peaceful reign but for the inexperienced Shonts and the uncontrollable Cromwell. He has steadily endeavored to repair the breaches of the law and the continuous forays they have made to secure profitable jobs for their friends, such as the postal arrangement, the tariff arrangement, and the supply of food to laborers for the benefit of the Panamanians.

In all these benevolences Cromwell led, representing the Government of Panama as general counsel and the Panama legation as general counsel, and the Panama Railroad, and also the Panama Canal Company. His generosity with the concessions he made for the United States fortunately had the support of an affluent Government, and his altruism had the support of our most generous President and our most amiable Secretary of War.

The statement of the Secretary, which I append to my remarks, does not refer to the Markel contract, or the doctoring of records, or the issue, unlawfully, of \$600,000 in railroad bonds, or the borrowing of money on bonds to pay debts of the Canal Commission, or the use of canal funds to buy ships to let on void charter parties to the railroad company, or the convenience, that was substituted for the law, for handling the current income of railroad earnings, or the failure of the railroad company to account for its earnings and expenditures with the Treasury of the United States. All these and other like transactions have become as familiar as a chronic disorder that attracts neither the sympathy or attention of anyone except the sufferer. They had happened and passed over and are almost forgotten.

We are, happily, a forgetful and forgiving people as to all wrongs and evils that are nonusable for party purposes.

It was some other cases besides the piccadillos I have mentioned that had escaped the public attention until disclosed in the hearings that have called forth the great skill and ability of the Secretary of War to save Cromwell from himself by his statement.

I have noticed one point in that statement about the use of the money of the railroad company in paying dividends from

funds that had long before been expended in betterments and improvements on the property represented by the stock in the company.

I can not conceive of the justice or morality of a party who, after offering property for sale, when the offer is conditionally accepted, engages in the secret work of robbing the property of its value. It is not larceny, because the delivery has not been completed, but it is a meaner crime, because it involves a breach of trust.

I will append to my remarks the entire cable correspondence between the New Panama Canal Company and the Walker Commission, as reported by them, that Senators and others who are new to this subject may be informed. And also a letter and powers of attorney giving to Cromwell the power to renew the offer of the canal company to sell its property after the "Bô" proposal had failed by its own time limitations.

I have only time now to call earnest attention to these facts, with the observation that the Bô offer, which was conditionally accepted by Attorney-General Knox, was in the following words:

PARIS, January 9, 1902.

Admiral WALKER, Washington, D. C.:

The New Panama Canal Company declares that it is ready to accept for the totality, without exception, of its property and rights on the Isthmus the amount of \$40,000,000, the above offer to remain in force up to March 4, 1903.

Bô,
President of the Board.

This was accepted, but failed to materialize, because, according to the saying, "the rabbit must be caught before it is skinned."

Cromwell, nothing daunted, demanded of the Government of the United States a renewal of the agreement with the canal company, in the terms of the very remarkable document which I append to my remarks, sent to me by the Department of State.

There is no actual proof that this agreement was made with the President, but the history of events following it show that it included the plan to assist Panama in her so-called "revolt" against Colombia. What else can be the meaning of this clause, emphasized in italics, in the document lodged in the Department of State by Cromwell? I will quote it.

After reciting that the Bô agreement had expired on the 3d of March, 1903, by the want of ratification of the Hay-Herran treaty, he says:

It is mutually recognized that the ratification of the said treaty, in the form in which it is now pending, at a date anterior to March 4, 1903, is, by the parties, accepted as being in conformity with the offer, the acceptance, and the confirmation above mentioned. *This provision shall apply also to the conclusion of a treaty under another form, or in any way, which may be satisfactory to the United States, and which maintains, without modification, the provisions of articles 1 and 22 of the pending treaty.* It is understood that in any case the term above mentioned may be prolonged by mutual consent of the parties should occasion arise.

The treaty he speaks of is the Hay-Herran treaty, which was rejected by Colombia. The treaty, "in another form, or in any way," is an open threat against Colombia, whose honor he had extolled in his letter on the Conchas treaty.

Here is a clear forecast of the fact that Colombia would be forced to accept the Hay-Herran treaty or else lose Panama through its secession.

No other way to force the sale of the canal to the United States by the canal company was thought of or was imaginable except the then threatened secession of Panama. Thus Cromwell paraded the poisoned chalice before our Government that he was to assist in pressing to the lips of Colombia.

In every aspect of the situation the sale by the canal company of its property to the United States, including the Panama Railroad, was settled in January, 1902, under the Bô agreement, and was secretly continued under the Cromwell act of adoption in 1904.

In these two years, and even after March 9, 1904, when the sale to the United States was completed, the robbery of the treasury of the Panama Railroad went on under the leadership of Cromwell for the benefit of his other client, the Panama Canal Company. This alleged American added another to the list of insolent wrongs that had been inflicted on the United States by this New York corporation in the hands of a French company.

In the statement of the Secretary of War, which justifies these acts and many others of the Panama Railroad Company under the leadership of Cromwell, and is, virtually, a plea for his further continuance in power, I find the following foundation statement of principles and alleged facts upon which the Secretary relies:

The proposal to sell the property of the canal company and its shares of stock in the railroad company contained no representations as to the condition of the railroad company or its treasury or its stock or

its bonds. The proposal was merely to sell the shares held by the Panama Canal Company in the Panama Railroad Company. Under these circumstances the question is what obligation there was on the part of the Panama Canal Company, as the largest stockholder in the Panama Railroad Company, to preserve the value of the shares which it proposed to transfer to the United States. In the first place it is to be noted that the price of \$40,000,000 contained in the proposal did not carry with it interest, and that when the United States paid the fixed price in the proposal it therefore paid no interest. Strictly speaking, there was no contract obligation on the part of the Panama Canal Company to make the sale which it proposed to make in January, 1902, because there was no consideration for the option given which would make the proposal a binding one.

On the authority of the report of the Walker Commission, in explanation of the scope of the offer of M. Bô, which report is dated January 30, 1902, and is unquestionably the statement on which the Spooner law was based, I find that the railroad property, assets, outstanding liabilities, and credits are thus enumerated:

PARIS, January 14, 1902—9.45 p. m.

Admiral WALKER,
President Isthmian Canal Commission,
Corcoran Building, Washington:

We send by mail letter confirming cable 11th January, and, under registered package, judgment August 2, agreement with liquidator, and three extracts showing powers of board. All these documents are certified to by the United States consulate-general.

Bô,
President of the Board.

The "totality, without exception, of its property and rights on the Isthmus," mentioned in the cablegram of January 9, includes the following classes of property:

- | | | | | |
|------------------------|---|---|---|---|
| 1. LANDS NOT BUILT ON. | * | * | * | * |
| 2. BUILDINGS. | * | * | * | * |
| 3. PLANT. | * | * | * | * |
| 4. WORK DONE. | * | * | * | * |
| 5. PANAMA RAILROAD. | * | * | * | * |

Of the existing 70,000 shares of the Panama Railroad, the canal company will transfer to the United States all but about 1,100 shares. These latter are held by a few individuals residing in various parts of the United States and in Europe. As it will not be the policy of the United States to so manage the railroad as to secure a large revenue, it is probable that the holders of these shares will in time find it to their interest to dispose of them at the price fixed by the Commission for the other shares, viz, their par value. At par the value of the 68,863 shares to be transferred to the United States by the canal company is \$6,886,300.

Against this property are mortgage bonds to the amount of \$3,439,000. Of this amount, the company owns \$871,000, which it has pledged as collateral for its debt to the Panama Canal Company described below, and it also holds in its treasury \$1,064,000 subject to sale or cancellation, leaving outstanding in the hands of the public \$1,504,000. The bonds bear 4½ per cent interest.

There are outstanding also \$996,000 6 per cent sinking-fund subsidy bonds, but this liability is an amortization of the annual payment of \$225,000 due the Colombian Government under its concession for the period ending November 1, 1910.

The railroad company owes \$986,918 to the Panama Canal Company, mainly on account of the construction of the pier at La Boca.

Its total liabilities, therefore, are \$2,490,918, not counting the sinking-fund subsidy bonds, for which the Colombian Government has received the benefit and for which it should make allowance to the United States in the negotiations for treaty rights.

Its cash assets January 15, 1902, were \$438,569.33.

It owns three passenger and freight steamers of American registry, the *Alliance*, *Advance*, and *Finance*, of approximately 2,000 tons net each, which, together with a chartered steamer, the *Orizaba*, run between New York and Colon on a weekly schedule. For the past year it has operated a line of chartered steamers of American registry between San Francisco and Panama. These steamers, owned and chartered, on the Atlantic and Pacific constitute the Panama Railroad Steamship Line.

The railroad company owns an undivided half interest in the islands of Naos, Culebra, Perico, and Flamenco, in the Bay of Panama, the Pacific Mail Steamship Company being the joint owner.

Besides its right of way, terminals, wharves, and considerable areas of land, it owns nearly the whole of the town of Colon, the houses there being constructed under leases.

The railroad company has no operating contracts which can not be terminated in ninety days.

The work of constructing the canal will largely increase the business of the railroad, and will enable it to pay off its liabilities in a very few years. After the completion of the canal its commercial profits will probably cease, but it will have a value incidental to operating the canal.

How could it be that this item of cash assets January 15, 1902, \$438,569.33, was put into that statement when "the proposal was merely to sell the shares held by the Panama Canal Company in the Panama Railroad Company?" It is either an impeachment of the veracity of the Walker Commission or of the statement made by the Secretary of War just quoted. It also reflects on Congress for acting on the facts as reported by the Walker Commission without taking notice that we were dealing with the worst set of sharps that had ever been pardoned out of penitentiary convictions by the French Government. I do not think it necessary to follow further the mistaken facts and very questionable conceptions of the moral duties of those who sell property for future delivery, dependent upon future events, to keep the property intact from spoliation

by the vender until the time arrives for the completion of the contract by delivery.

It is quite surprising to hear the Secretary put this proposition of common morality to Congress. He says that "under these circumstances the question is what obligation there was on the part of the Panama Canal Company, as the largest stockholder in the Panama Railroad Company, to preserve the value of the shares which it proposed to transfer to the United States." Such a question, "under the circumstances," is so coldly technical and so oblivious of the duties of these corporations, under the direction of Cromwell, who was general counsel of both companies and director in the railroad company, and was, as he swears, the negotiator of the Bô contract and of the contract, that concluded the purchase of the canal and railroad in a single transaction, that it surprises the country that it could be asked by the Secretary of War.

There was no part of this series of transactions that was not intimately known to Cromwell, including the report of the Walker Commission. If he had stated the doctrines and excuses set up for him by the Secretary of War, in his own testimony, no one would have believed him. As they are stated by the Secretary of War, evidently on information furnished by Cromwell, they must be taken cum grano salis.

Then follows a very complex statement and argument by the Secretary as to the magical bookkeeping by which investments in betterments and repairs that all railroad companies pay out of current earnings, when they are sufficient, are afterwards dug up and converted into cash in the treasury, and paid out to stockholders. This is the same puzzle that the House committee wrestled with and could not solve. This story is impeached on its face as a false excuse for a serious moral dereliction to the deception and injury of the United States. I leave it to the Senate to find any possible excuse for it in the statements of the Secretary of War.

The issue of bonds for the repair of steamers is a flagrant instance of pocketing money in dividends, salaries, and other expenditures that stood ready in the Treasury to pay for ship repairs, and leaving the cost of such repairs to hang over the railroad property as a liability to be paid by the United States. Crafty bookkeeping does not disguise the fact that this debt was created before the United States got control of the property to be paid after the \$40,000,000 was paid by our Government.

The Secretary of War says, "I do not hesitate to say that I think it would have been much wiser if the company had not issued the \$265,000 of bonds, but had paid the whole sum in cash, as it might easily have done, for it had at the time \$700,000 in cash in the treasury."

The benefit of the doubt between wisdom and robbery in creating this debt, which the Secretary kindly gives to Cromwell, might be more tolerable if the \$700,000 had not been distributed in dividends to the New Panama Canal Company, Cromwell's liberal patron, and to himself as a stockholder.

It is due to the Canal Commission to say that none of them were on the railroad board of directors when the bonds were issued to the Cramps for repairs to be put on the ships. When any of them went on the Commission they found the contracts in existence and executed in large part by the railroad company, and it was too late to annul them.

For a piece of fancy work in finance and bookkeeping, the repair of the *Alliança* and the *Finance* has been rarely out-classed.

I will not further comment on the statement of the Secretary of War in exoneration of Cromwell. I have only referred to it as a conclusive proof that the Panama Railroad Company, in the control of the French canal companies, has been the most reckless and predatory agency that ever assailed the commercial interests, the Treasury, and the honor of the United States.

The celebrated Huntington contracts with the Panama Railroad Company for the monopoly of the coastwise traffic crossing the Isthmus and the railroad traffic crossing the continent, which cost our Pacific coast people and others hundreds of millions of dollars, continued for about fifteen years, and went down under adverse legislation by Congress for about two years, when it was renewed with Cromwell's assistance, until it was suppressed recently by order of the President. But this arrangement, in principle, was renewed by agreements with foreign steamship lines, and is the same monopoly under terms that are somewhat different; but they still exclude the ships of all nations, including America, that are not in general lines of transportation companies, on both oceans, from the benefit of the cut rates. No independent vessel can get other than high local rates for railroad services across the Isthmus.

No nation was ever so badgered by its own domestic corporation as we have been by the Panama Railroad. It is time that

these needless and unjust conditions had ended and that the Government was no longer in the shipping business under the sea flag of a dummy corporation. If the Commission or the Government are to engage in the business of common carriers by sea, let it be done openly and at a saving of something of the great expense now attending the maintenance of this New York corporation that the State of New York should have dissolved years ago when it became a party to a wicked and oppressive monopoly.

If reports from credible sources that have come to members of the committee are true, the Panama Railroad Company is quietly looking on at robberies of its income that are very startling. Let the committee ascertain and report the facts as to all matters connected with the questions presented in this resolution before the Senate that the Senate may know what is being done and what should be done by Congress and take action.

I would, in conclusion, invite the attention of the Senate to two features connected with the directorate of the railroad company. First, that the will of the President, or the Secretary of War, acting through the general manager or president of the Panama Railroad Company, is actually inviolable on the part of the directors. This seems to be true in effect, but it is unlawful and violative of the charter in fact and in effect. Congress can not afford to sustain such a despotism over men who are sworn to perform their duty according to law. The members of the Commission who are really forced to become directors in the railroad accept the will of the President of the United States in all matters as the act of the Government, as if it combined all the powers of government, legislative, executive, and judicial, and they obey it without inquiry.

If it can be considered safe and wise to concede such powers to the President, it is still to be considered that he may be in a minority on the Commission composed of men, some of whom are foreigners and others who would be more reliable and less dangerous if they were foreigners. Five members of the board of directors is a quorum to do business under the New York charter. There are six directors whom the President of the United States can not command to do his will without question. Five of them could, under favoring conditions, transact business that would put the Panama Railroad in a position of obstructive hostility to the canal for any cause.

Cromwell has carefully testified that the President of the United States has no power to dismiss a director for any cause. If he is correct as to the security of his official tenure, I would not willingly intrust to him or to any other reckless and ambitious man such powers in dealing with the Panama Railroad Company as have already reddened its career with blood and blackened it with fraud.

These five directors, Mr. President, grouped together, as they seem to be grouped together, under Cromwell's leadership, have got the power to-day to call a meeting, and, if five of them are present, three of that number can enact any law, establish any policy, effect any end that they may choose, destroy this canal work, and hold the Government of the United States in the leash until they can have their sweet will.

Am I to be expected to trust a man who has a record like Cromwell in the leadership of that possible three out of five in the management of this canal? Can this Congress be excused by the people of the United States from its duty to take hold of this question in the right way and prescribe by law what are the duties, rights, obligations, and powers of this railroad company, turning over the control of the whole matter into the hands of the Canal Commission and requiring them to do what the railroad company has never yet done—account to the Government of the United States for its dealings, its incomes and outgoes, and paying over balances in its hands into the Treasury of the United States?

We are hurrying along at a rapid gallop over this great, enormous volcano in that Canal Zone. When we come to absurdities, contradictions, dangers, like those that I have been pointing out to-day, with extreme difficulty to myself, we pass them over and say, "All is well; all is going right; the President of the United States is about to send a message here, after three days' observation, in which he will show that the canal is all right. It does not make any difference, Mr. MORGAN, or Mr. Anybody Else, what you have got to say about it or what the records prove about it or what the testimony that has been taken before this committee shows, it is all right; we are going ahead."

Gentlemen, you will not go much further until you stumble into a pit out of which you can not get. Thank God, I am not of the political majority of this House. It belongs to the other side. That the country must understand, and they will hold you responsible for this very queer, unsatisfactory, and danger-

ous condition. It is our right and our duty to enact a law by which this dummy, this shell, this mere corporate name that lingers on the statute books of New York, should be abrogated and thrown out of the way, and when that property which belongs to the United States Government should be taken control of by the United States Canal Commission and administered honestly, like other property under the laws of the United States and under that sort of accountability which requires every agent of the United States Government to pay in all amounts that are due to the Government and to have appropriations for such expenditures as it must make.

I beg pardon of the Senate for having delayed it to this extent; but I wanted, if I could, to call the attention of the Senate to some of the matters which are hanging along on this railroad route which we are trying to work that are of quite as much importance as it is, possibly, to have this canal constructed, which I think it will not be in the next twenty-five years.

APPENDIX 1.

JUNE 28, 1906.

MY DEAR SENATOR: I beg to acknowledge the receipt of your letter of June 19, in which you say that the Senate Canal Committee has adopted a resolution providing for my submission of a further statement to you, the same to be transmitted to each member of the committee for examination before ordering it to be incorporated in the record of the hearings on Panama matters. I avail myself of this opportunity in order that the time of the committee and my own in the last days of Congress shall not be occupied any more than is necessary with an oral hearing. I should have submitted this statement earlier, but supposed that I would be called again before this for further examination.

DIVIDENDS ON PANAMA STOCK.

The subjects which I wish to discuss had not been developed in the hearings before the committee when I made my previous statement. The first question is, whether the Panama Railroad Company, in 1903 and 1904, improperly declared dividends on the stock of the company in excess of net earnings and improperly paid for ordinary and current repairs to its steamers by an issue of bonds, instead of paying them, as they should have been paid, out of gross earnings. The relevancy of this question to the matter under investigation by the committee is to be found in the following circumstances:

In January, 1902, the Panama Canal Company owned 68,863 shares of the total 70,000 shares of the capital stock of the railroad company, and in that month its representative telegraphed to the Isthmian Canal Commission that it would sell all its property on the Isthmus, including the shares of stock in the Panama Railroad Company, for \$40,000,000, and in fulfillment of that proposition it did, on May 7, 1904, transfer all its property, including its holdings in Panama stock, to the representatives of the United States. If during this interval, dividends were declared and paid on this stock in excess of the net earnings, and not out of profits, but out of the assets of the road, then it is claimed that the dividends received by the Panama Canal Company as stockholder, not out of profits, deprived the railroad company of assets which it should have had when the stock in the company was transferred to the United States; and as the United States by the transfer became the owner of sixty-nine seventieths of the stock, the loss to the United States was substantially equal to the loss in the assets of the company. If this claim be well founded, it would have justified the United States in abating from the \$40,000,000 the \$100,000 thus lost to the assets of the railroad company, or it would now be justified in bringing suit against the Panama Canal Company for this amount.

The charge against the management of the Panama Railroad Company that the dividends had been improperly declared and bonds improperly issued was first made by General Davis when he was governor of the Canal Zone, in a separate report, as a member of the Canal Commission. The report came to my attention in January, 1905. On January 12, 1905, the House of Representatives authorized the Committee on Interstate and Foreign Commerce, or any subcommittee thereof, to investigate the affairs of the Panama Railroad Company. On January 13, 1905, a subcommittee was appointed, consisting of the following: Mr. SHACKLEFORD, Mr. LOVERING, Mr. ESCH, Mr. TOWNSEND, and Mr. ADAMSON.

The subcommittee reported to Congress that "the testimony shows that the management by the officers and directors of the Panama Railroad has been conspicuously able, progressive, and businesslike." This report was made after the fullest investigation into the question of dividends declared and bonds issued, and in the light of the statement of General Davis in the report already referred to. All the officers of the road were examined by the subcommittee, who went to New York for the purpose, and who examined all the books of the company.

It did not seem to me, after this report, that it was necessary for me further to investigate the question whether the Panama Canal Company was indebted to the United States for an unlawful and improper declaration of dividends before the United States received the canal company's stock in the railroad company. But the question has now been further mooted, and I have taken occasion to investigate the exact condition of affairs in the railroad company with reference to declaration of dividends and issue of bonds.

The railroad company, prior to 1893, had made large net earnings, some of which were used in declaring dividends and others in constituting a sinking fund to redeem bonds. The last dividend was declared in January, 1893, from earnings in the previous years. In 1893 and 1894 there were losses instead of profits, due to attempted competition with the Pacific Mail Steamship Company. Profits began again in 1895. From January, 1895, until March, 1901, when a dividend of 2 per cent was declared, the directors adopted the policy of declaring no dividends whatever. They devoted their earnings, which were large for those six years, to the reduction of their bonded indebtedness and in part payment for the construction of the La Boca pier, which ultimately cost about \$2,200,000, and other improvements that properly might be regarded as additions to the permanent plant and the capital of the company. The offer to sell the whole property of the canal company, including the shares in the railroad company, was made in January, 1902. Between the time of that offer and its actual acceptance by payment of the \$40,000,000, May 7, 1904, the Panama

Canal Company had added to its holdings 24 shares, which it transferred to the United States without an additional compensation over and above the price of \$40,000,000.

The proposition of the canal company to sell its property never became a binding contract by definite and unconditional acceptance of the United States until after the ratifications were exchanged and the treaty between Panama and the United States was proclaimed on February 26, 1904. Indeed, after that the stockholders of the Panama Canal Company had to authorize the sale, and the United States never became bound as upon contract before the proposed sale was completed by the payment of the money. It is hardly necessary for me to detail the occurrences between the first proposition in January, 1902, and the actual transfer, May 7, 1904; but it may be safely asserted that the Spooner Act, which was passed June 28, 1902, prevented the President from accepting the offer of the canal company until it was decided whether Colombia would grant the proper right of way, or until, in view of subsequent events, it was decided that the treaty with the Republic of Panama would be ratified by the Senate of the United States. In other words, the Panama Canal Company was in the attitude of one proposing to sell shares in a company whose proposal was not accepted but remained open for acceptance until the time when the actual cash was paid.

The proposal to sell the property of the canal company and its shares of stock in the railroad company contained no representations as to the condition of the railroad company or its treasury or its stock or its bonds. The proposal was merely to sell the shares held by the Panama Canal Company in the Panama Railroad Company. Under these circumstances the question is, What obligation there was on the part of the Panama Canal Company, as the largest stockholder in the Panama Railroad Company, to preserve the value of the shares which it proposed to transfer to the United States? In the first place, it is to be noted that the price of \$40,000,000 contained in the proposal did not carry with it interest, and that when the United States paid the price fixed in the proposal it therefore paid no interest. Strictly speaking, there was no contract obligation on the part of the Panama Canal Company to make the sale which it proposed to make in January, 1902, because there was no consideration for the option given which would make the proposal a binding one.

But let us assume, for the purpose of the argument, that there was a contract binding upon the Panama Canal Company to transfer all its shares in the Panama Railroad Company to the United States, entered into in January, 1902, and to be consummated in May, 1904. The fact that no interest was to be paid on the purchase price is conclusive to show that the Panama Canal Company was entitled to all the dividends on the shares of stock which it held in the Panama Railroad Company that might be legally declared by the directors of the company in accordance with its charter and general rules of law affecting the declaration of dividends by incorporated companies. Now, what is the rule with reference to the declaration of dividends? It is that a dividend may be declared out of the net earnings of the company, and there is no limitation whatever with respect to the time preceding the declaration of the dividend when those net earnings were earned, provided only that they are in the form of money in the treasury of the company when the dividends are declared and have not been permanently changed into capital either by expending them in increasing the permanent plant of the corporation or in reducing its indebtedness. Let us examine the facts to see whether the railroad company has violated this rule in any respect in its declaration of dividends.

The accounts of the company show that the available net earnings of the company, less the losses of 1893 and 1894, from January 1, 1893, to January 1, 1902, amounted to \$2,072,359.42, and that out of that sum there was expended on capital account, for additions to permanent plant, \$1,604,407.12, leaving a balance of net earnings unexpended and in the treasury of the company on January 1, 1902, of \$467,952.30, less a dividend of 2 per cent, paid in March of 1901, of \$140,000.

In other words, the available net earnings in the treasury of the company on January 1, 1902, amounted to \$327,952.30. These net earnings, however, were represented by \$304,919.80 cash, and twenty-two 44 per cent bonds of the company, purchased in open market, of \$23,032.50. For purposes of this discussion I shall consider that only the cash, to wit, \$304,919.80, was available for dividends. On that day the current cash assets of the company in excess of current liabilities amounted to \$861,020.45.

In 1902 the net earnings were \$295,384.40, which added to the undivided profits or net earnings already in the treasury of \$304,919.80, made \$600,304.20. The dividends paid in 1902 were \$280,000, leaving a balance of undivided profits of \$320,304.20. During the year 1902, there were expended out of these profits \$72,682.80 upon permanent plant, which reduced the balance on January 1, 1903, of unexpended profits to \$247,621.40. This was in cash in the treasury. On January 1, 1903, the current cash assets, over and above the liabilities of the company, amounted to \$894,924.49.

The net earnings for the year 1903 were \$401,068.30, which added to the unexpended profits brought over from 1902 of \$247,621.40 made the undivided profits available for the declaration of dividends during the year 1903, \$648,689.70. The dividends declared and paid in 1903 amounted to \$500,000, leaving a balance of \$88,589.70 of undivided profits. There were, however, capital expenditures during the year 1903 of \$20,701.67, leaving a balance of undivided profits on January 1, 1904, of \$67,888.03 in cash. The current cash assets over and above the liabilities of the company on January 1, 1904, amounted to \$722,668.15.

The net earnings of the period from January 1 to May 1, 1904, amounted to \$216,813.03, which, added to \$67,888.03, the undivided profits brought over from 1903, made the undivided profits available for a dividend on the 1st of May, 1904, \$284,801.06. A dividend was paid on the 3d of May of \$175,000, leaving a balance of \$109,801.06. The current cash assets, over and above the liabilities of the company, on May 1, 1904, amounted to \$826,344.30. There should be deducted \$456.50 from the undivided profits charged to capital account for permanent improvement, leaving a balance of undivided profits, in cash in the company's treasury, of \$109,344.56 on May 1, 1904. No dividends were declared or paid to the Panama Canal Company after this, and its stock was transferred to the United States on the 7th of May following.

The figures which I have given above were prepared for me by Mr. Rossbottom, the first assistant secretary of the railroad company, from the books of the company, and are indisputable. I append his statement hereto, marked "Exhibit 1." The figures show, therefore, that instead of the Panama Canal Company, as a stockholder in the railroad company, depriving the United States, as its transferee of

stock, of the benefit to it, of assets of the company by the declaration and payment of dividends in excess of net earnings, there was left in the treasury of the company \$109,344.56 of undivided profits, which the Panama Canal Company might have properly declared as dividends, unless the next transaction that I am about to discuss would have prevented it.

BONDS FOR REPAIR AND RECONSTRUCTION OF STEAMERS.

In 1903, the steamships *Advance* and *Finance*, which were part of the fleet of the Panama Railroad Company, and in active service, became so much out of repair that the insurance companies would not class them as A1, and they had to be put out of commission, and the company was obliged to charter steamers to take their place, at the rate of about \$16,000 a month.

In November, 1905, a contract was made with Cramp & Sons for the reconstruction of these steamers. (See p. 2918 et seq. of record of hearings before this committee.) The directors regarded this expense as properly chargeable to capital account, because it involves practically the rebuilding of the steamers; and therefore they made an agreement with Cramp & Sons by which they were to pay him, for the work to be done on them, \$200,000 in 4½ per cent bonds of the company, which they had in the treasury unissued, and the remainder in cash.

The contract was not to be completed until July or August of 1904. The contract did not fix specifically the time or the total cost. As a matter of fact, it was not completed until some time in August, and the cost of the reconstruction was \$370,000. Meantime, between the making of the contract in November, 1903, and August, 1904, the transfer of the shares of stock had been effected on May 7, 1904, from the Panama Canal Company to the United States, and three of the Isthmian Canal Commissioners had been elected members of the board of directors of the Panama Railroad Company—Admiral Walker and two others. Under the contract, 121 one thousand dollar bonds of the 200 had been delivered to Cramp & Sons for the part of the contract performed on the 7th of May, 1904.

The remainder of the 200 were delivered afterwards, but in August they were returned to the company, and instead of completing the arrangement with Cramp & Sons a new agreement was completed with Vermilye & Co., by which Vermilye & Co. took \$265,000 of the bonds. With something over \$100,000 from the treasury of the company, the whole payment to complete the contract was made in cash to Cramp & Sons, and there was thus added to the bonded indebtedness of the company \$265,000.

I do not hesitate to say that I think it would have been much wiser if the company had not issued the \$265,000 of bonds, but had paid the whole sum in cash, as it might easily have done, for it had at the time \$700,000 in cash in its treasury. The report of the Commission for 1904 stated that "The company issued 265 bonds to the public to pay for the repairs to the *Advance* and *Finance*. These bonds were sold as required by contract made in October, 1903. The balance of the money was taken from a reserved fund of depreciation of steamers, amounting to \$102,750." This statement in the report of the Commission is not exactly correct, because the contract made in October, 1903, only provided for the issue of 200 bonds of \$1,000 each, and the transaction which was actually carried out was not in performance of that contract at all, but made with another party.

The transaction seems not to have met with criticism by the Congressional committee appointed to investigate it. As already said, the board was not under the control of the Secretary of War at the time those bonds were issued, because only three of the Commissioners were then members of the board of directors. The Government did not obtain complete control of the directorate by the election of all the directors until the annual meeting in April, 1905. It is now proposed to purchase all the outstanding 4½ per cent bonds of this issue, which will include, therefore, the 265 bonds.

I do not propose to inquire into the propriety of the company issuing bonds for such a purpose as that of reconstructing steamers. I am bound to admit that it is very questionable, for the reason that it does not add to the capital. It merely supplies a loss to the capital; and such bonds ought not to be issued certainly if dividends are to be declared out of the earnings which might have been used to pay for such reconstruction and making good the capital. But it is one thing to criticize the course of the company in this respect and another thing to show that it has effected any pecuniary injury at all to the United States of which the United States may properly complain. The only bonds issued between November, 1903, and May 7, 1904, were \$121,000. Now, even if these repairs should have been paid out of the earnings of the company instead of by issuing bonds, and there was left a sufficient amount in the treasury of the company out of net earnings or any other fund properly applicable to the payment of the repairs to take up the bonds thus issued for repairs, the United States certainly had no reason to complain.

The fact is that, at the time of the transfer to the United States, there was in the treasury of the railroad company, as already shown, \$109,344.56 of undivided net earnings, and there was also in the treasury, as stated in the report of the Commissioners, which I have cited above, and as shown in the statement of account given by Mr. Rossbottom, the sum of \$102,750 in cash, which had been kept in the treasury for years as a fund to meet the depreciation in value of steamers and tugs, and therefore to be devoted to this very purpose. In other words, there was a fund in the treasury which would pay or take up not only the 120 bonds already issued, but the 200 bonds to be issued under the contract in force at the time of the transfer.

Certainly, therefore, the declaration of dividends out of other net earnings than these was not at all to the prejudice of the United States, and could not be made the basis either for an abatement in the price from the \$40,000,000 or for a recovery of any sum from the Panama Canal Company. It is true that the cost of repairs reached unexpectedly \$370,000; but repairs are current expenses to be paid as they fall due, and there was enough money in the treasury to pay all the repairs, payment for which had fallen due, and nearly \$100,000 more at the time the United States became the chief stockholder.

PRICE PAID FOR OUTSTANDING STOCK.

The second subject, with respect to which I should like to submit a few remarks to the committee, is as to the wisdom of the purchase of the outstanding stock of the Panama Railroad Company at the prices which were paid. There is some evidence given by Mr. Drake in which he said that single shares of the company had been sold as low as 70 or 80 cents sometime prior to the purchase of the shares by the United States. He said that when anyone came into the office offering the stock in small quantities they usually sent the holder of the stock to one J. B. Manning, who bought it up at the price of 75 or 80 cents. Manning was the stockholder who held 234 shares at the time of the transfer to the United States and to whom we were obliged to pay

\$280 a share. I have had a transcript made of Mr. Manning's holdings of stock, as shown by the stock book, and it appears that he purchased no stock after 1902. Therefore it must have been before 1902 when he paid the price of 80 cents. It must be borne in mind that after that time the stock paid dividends. Prior to that time, for six or eight years, it had paid no dividends.

It is not surprising, therefore, that single shares of stock would sell as low as 75 or 80 cents by persons anxious to get rid of it, and whose interest was so small as not to make them careful of the price at which they disposed of it. The truth is that the price which the United States paid to the Panama Canal Company for sixty-nine seventieths of the whole capital stock was, as shown in the estimate of the Commission, at the rate of something over \$100 a share. In the spring of 1904, 100 shares of the stock were offered to Admiral Walker, the chairman of the Commission, at \$100 a share, and I authorized the purchase on this ground.

In January, 1905, when I gave the authority to Mr. Cromwell to make the purchases at \$100 a share, a dividend of 5 per cent had been declared out of the earnings, and there was no reason to suppose that the value of the stock had decreased, because the United States needed the stock, as it was shown, and because the earnings had kept up. It is submitted that it would have been absurd for the United States, having paid more than \$100 a share for sixty-nine seventieths, to seek to buy the outstanding shares at any less price per share.

In order that there may be no mistake or error in respect to the purchase, I beg to attach hereto, as "Exhibit 2," all the correspondence which I had with Mr. Cromwell, and all his accounts, in respect to the buying of the shares. One or two letters of this correspondence are already in the record, but for the sake of clearness I insert them in their proper order in this exhibit.

In testifying before this committee on the 25th of January, 1905, I said, on page 11 of the record of the evidence:

"A gentleman came to me recently and told me that he thought he could get the shares, because of his familiarity with the company and its transactions, for par, with 5 per cent, and I authorized him to make the purchase if he could. But it is quite probable that some of those shares are in the hands of individuals in Wall street who think that they can be made valuable by using them for some other purpose than the benefit either of the Government or of the company; and I think we ought to have the power, by special proceedings, to condemn those shares in the State of New York. The company is a New York corporation, and unless we can control the railroad absolutely as an instrument for the construction of the canal, we shall have to build another railroad there."

Senator KNOX questioned the power to get rid of the minority stockholders by condemnation, and suggested that we ought to make an offer to the minority stockholders, with the statement that the Government was willing to buy the stock on the basis that the old dividends made it worth. He said:

"I think you would have them all coming in on that, would you not? You have an absolute power in the matter."

To which I replied:

"Suppose a dissentient stockholder comes in and says: 'Here is a great opportunity for the stockholders of this company. There is a work to be done down there, and this road is needed for that work.'

"The freight will be increased a hundredfold, and the revenues of the road, if the road is properly conducted—as we have a right to have it conducted under our franchise—will be such that we will probably earn 30 or 40 per cent dividends each year. Now, this majority stockholder property proposes to set us aside with an 8 per cent dividend or a 10 per cent dividend.' Certainly he has a right to be heard in a court of equity."

Senator KNOX. But you certainly do not avoid that difficulty by condemning the stock, because he will raise all those questions on the condemnation proceedings to determine the value of the property.

Secretary TARR. Well, he may; but when we do get rid of him, then we have gotten rid of him, and the condemnation ends the business. If, on the other hand, you are going to lease, you will have constant litigation as to the fairness of your lease."

The subcommittee of the Interstate Commerce Committee of the House of Representatives, in their report, after a full investigation of the affairs of the company, made the following recommendations:

"The committee is of the opinion that the United States should secure ownership of the entire stock of the Panama Railroad Company."

It will be remembered that, at the instance of the President, the House of Representatives passed a law abolishing the Commission and making provision in the law for the condemnation of the outstanding stock of the Panama Railroad Company. When the bill came into the Senate objection was made to the abolition of the Commission, and because of the inability of the two Houses to agree the whole bill failed on the 4th of March, 1905, when that Congress ceased to be. By that time Mr. Cromwell had succeeded in obtaining substantially all the outstanding stock at \$100 a share, except 234 shares held by J. B. Manning and three lots of 10 shares each held by persons whose agents were in Wall street and who had discussed with Mr. Manning the value of the stock, and had agreed with him that they would not accept the offer made by Mr. Cromwell under my authority of purchase at par. Mr. Manning, in the time of De Lesseps, had owned 100 shares of stock in the Panama Railroad Company, and sold it to the Panama Canal Company at what was equivalent to \$280 a share. Thereafter he began to accumulate stock until, in 1902, he had 234 shares. I have taken occasion to find out Mr. Manning's business and his peculiarities and his circumstances in order to show why it was necessary to pay him \$280 a share in order to get his stock.

Mr. Manning has an office on Wall street, and deals in unmarketable bonds and unmarketable stock, and has money enough to hold them until such time as persons interested in the enterprises desire to buy the bonds or stock, and then he exacts a good round price for them. His business is just exactly that of obtaining a nuisance value for odd shares of stock and bonds, a large majority of which are owned by some one who wishes to obtain complete control. He is a man reputed to be worth a million dollars or more, a very keen trader, one who knew the condition of the company, and knew that the company since 1893 had been accumulating its net earnings in shape of reduced indebtedness and enlargement of plant. He reasoned that the United States Government would need the road and that anyone who remained as stockholder might insist upon very large dividends due to the increased business given the road by the United States. He professed the desire not to sell his stock at all, but wished to be a partner in the road with the United States. I had several conversations with Mr. Cromwell on the subject of getting Mr. Manning's stock. After the 4th of March Mr. Cromwell thought that the failure of Congress

to authorize the condemnation of stock made it necessary to secure the stock at once, and at any price. Accordingly Mr. Cromwell called on Mr. Manning, determined to purchase the stock, and finally induced him to accept \$280, the same price which De Lesseps has paid him. Let him back out of his contract, and without an opportunity to consult me, Mr. Cromwell drew his personal check for \$65,000 necessary to make the purchase, sent it out and had it certified, and obtained the stock at once from Mr. Manning. He did the same thing with the holders of the other three lots of ten shares each, though he succeeded in getting them at \$200.

Mr. Cromwell then came to me and said that he had bought these shares at a price which had been unauthorized, and that, therefore, if I declined to pay the price, he was willing to take them as his own property, but would turn them over to me at cost at any time, and would give the Government his irrevocable power of attorney to vote the stock until I could submit the matter to Congress. This was, as the correspondence shows, on the 8th of March. I took time to consider, consulting the President and also Senators ALLISON and SPOONER, and my recollection is that I spoke also to the Speaker of the House, but of this latter I can not be certain.

At my request, Senator SPOONER talked with Senator Gorman on the subject and explained the situation, and the unanimous advice was that the price was a small one to pay in order to obtain all the outstanding stock. Persons who have had any experience in attempting to secure all the shares of stock down to the last one in any corporation, with as many stockholders as this one, understand the great difficulty there is in obtaining it all, and the necessity for paying an exorbitant price to some one who is willing to use the exigency to enforce an unconscionable bargain.

The result is that for the 1,112 shares of stock outstanding, whose par value was about \$111,200, we have had to pay a little less than \$46,000 more than par. When we consider the great difficulties that would be presented in compelling the sale of this stock, the delay in the litigation that certainly would be involved, I must think that it was a very useful settlement for the United States. A dissident stockholder would of course have objected to the United States using the railroad for its own purposes, and could have insisted that all the freight that it carried over the line, whether in the removal of the excavated material or in the transportation of equipment, must be at fairly reasonable commercial rates and that the profit of the transactions should be divided according to the holdings of the stock. Every arrangement effected would have been subject to examination by this dissident stockholder, and might have been carried into a court of equity to prevent the United States from abusing its power as a majority stockholder. The advantage of getting rid of the nagging and the nuisance which would have been caused by such a stockholder, and the inevitable delay thus caused, measured in money value to the United States, far exceeds the \$46,000 which we were obliged to pay to secure the last share of stock.

SHARES HELD BY DIRECTORS.

It hardly seems to me worth while to answer the suggestion with reference to the method by which directors are qualified to sit upon the board under the New York laws. One share of stock is sold by the Government to each director who pays for the stock, and when he receives the certificate indorses it in blank and signs an irrevocable power of attorney to the United States to transfer it again to the United States on demand, the United States paying \$10 to make valid and binding the option to take over the stock. In this way the director is qualified, and in this way the United States obtains power to obtain the share whenever it is needed and to qualify some one else for the director. The members of the Commission constitute a majority of the board of directors, the chairman of the Commission is the president of the road, and a majority of the executive committee are persons connected with the Commission and directly under the orders of the chairman or president.

The whole road is therefore completely under the control of the Isthmian Canal Commission. Meantime the artificial entity of the railroad company is maintained, and most conveniently so, in order that it may discharge the duty of a common carrier doing a commercial business, which under the existing treaty stipulations the United States would have no right to evade or escape.

DELAY IN FILLING REQUISITIONS BY OLD COMMISSION.

Another matter to which I wish to refer is the criticism of the old Commission that it was derelict in making arrangements for a proper purchasing and forwarding bureau in this city. My recollection now is somewhat more distinct on this subject than when I was before the committee. I learned when I was on the Isthmus with Mr. Wallace and General Davis in December, 1904, of the delays in the purchases of material and equipment needed on the Isthmus, and discussed the matter with Admiral Walker. He told me that the great difficulty he had was in getting a proper man. Very soon after we returned from the Isthmus, however, he told me he had found a man. His name was Major Gallagher, and he was in the commissary department. There was some delay in assigning him, but he was assigned and began his duties on the 1st of February, relieving Mr. Redfern.

I ought further to say that after my return from the Isthmus in 1904 I sent down Dr. C. A. L. Reed, of Cincinnati, and Mr. Thomas T. Gaff, of Washington, to act as arbitrators in the assessing of the value of some land which the Commission desired to buy for residences and a hotel in Ancon, just outside of Panama. Doctor Reed is the president of the American Medical Association, and I suggested to him that he make a report to me upon the hygienic conditions which he found on the Isthmus.

He made such a report, but it was so extreme that I submitted it to the Commission for answer. Unfortunately the report was published by Doctor Reed. In this report it was charged that the delay and inefficiency of the Commission in filling the requisitions of the medical department on the Isthmus were the cause of the yellow fever. This was a serious charge, and the Commission was given full opportunity to answer. I think it only fair to the Commission in this record that Doctor Reed's charges and the answer of the Commission and the letter which I wrote forwarding the correspondence to the President should be put in this record. I therefore append it as Exhibit 3.

Very sincerely, yours,

WM. H. TAFT,
Secretary of War.

Hon. J. H. MILLARD,
Chairman Committee on Inter-oceanic Canals,
United States Senate.
(Inclosures.)

APPENDIX 2.

[Translation.]

[Compagnie Nouvelle du Canal de Panama, 7 Rue Louis le Grand, Paris. Capital, 65,000,000 francs.]

PARIS, November 18, 1898.

To the PRESIDENT OF THE UNITED STATES.

SIR: The New Panama Canal Company believes it to be its duty to respectfully submit the following statement:

It is common knowledge that in 1889 the Compagnie Universelle du Canal Interocéanique de Panama, the old company, fell into financial difficulties after about one-third of the canal had been finished. The rights of that company then passed judicial administration. A liquidator (receiver) was appointed by the judgment of the civil tribunal of the Seine under date of the 4th of February, 1889. During his administration (1889-1894) and with the authorization of the court, the greatest care was taken to preserve and maintain the work already done, and a prolongation was obtained from the Republic of Colombia of the time stipulated for the completion of the canal, thus preserving the rights of the company under its concession in their entirety.

In view of the advanced state of the work on the canal and the considerable sum (at least \$150,000,000) actually expended for canal work, properly so called, and for installations and plant, the logical conclusion followed that the very large capital invested would be protected through a reorganization of the affairs, which took place successfully in the month of October, 1894. At that time and with this object in view the undersigned company was organized under the general laws of France. The company is a commercial association, formed exclusively upon private capital, and has no connection, alliance, or relation whatever with any government, except the relations established by the concessions which it holds from the Republic of Colombia. The board of directors of the company is an entirely new board and composed of gentlemen of independent positions, having no official relation with the old Panama company and for the most part identified with large financial and commercial enterprises.

Pursuant to judicial sale, authorized by the court as aforesaid, the undersigned company in 1894 became the sole owner of all the canal works, plant, material, concessions, and other property of the old company. The title of the undersigned to this property is therefore unquestionable, and has been officially recognized by the Government of Colombia.

Surveys had been made by the old company, but the new company, while making use of them, would not be bound by their conclusions. The board of directors resolved at the start to examine and study anew all the questions involved, making use of the most recent improvements in material and of the advances made in engineering.

It is needless for us to enumerate the difficulties and enormous expense involved in the choice of a definite plan for the execution of this work, which is one of the greatest undertakings of our time.

Different plans, equally practicable but varying in probable cost, have been studied. Many months have been spent in preparing, studying, and revising them. This work has not been done hastily and superficially. Engineers, chosen especially for their professional ability, have studied the question in all its details—technical, climatic, physical, geologic, and economic.

Though the skill of its own technical staff is worthy of the highest confidence, the undersigned company, out of abundant caution and in order to place beyond criticism the final conclusions, caused to be appointed an International Technical Commission, composed of engineers selected from different nationalities, a course which assures to the company the benefit of the widest possible experience, the severest judgment, and the most independent conclusions. The International Technical Commission is composed as follows:

M. Robaglia, president, inspector-general of roads and bridges (retired).

M. Bouvier, chairman, inspector-general of roads and bridges (retired).

General Abbot, United States Engineer Corps.

M. Castel, inspector-general of mines (retired).

M. Daynard, chief engineer of La Compagnie Transatlantique.

M. Fargue, inspector-general of roads and bridges (retired).

M. Fteley, chief engineer of the Croton Aqueduct, New York City.

M. Fulscher, private counselor to the minister of public works of Prussia, formerly technical director of the work of the Kiel Canal.

M. Hersent, civil engineer.

M. Hunter, chief engineer of the Manchester Canal.

M. Koch, councillor of public works of Germany; director of Technical Academy of Darmstadt; formerly member of the imperial commission of the Kiel Canal.

M. Jules Martin, inspector-general of roads and bridges (retired).

M. Skalskowski, formerly director of the department of mines to the minister of agriculture and lands of Russia.

M. Sosa, chief engineer, Colombia.

As to all statistical and economic questions, the new company established a special commission, presided over by M. Paul Leroy-Beaulieu, the eminent economist, and a member of the Institute of France.

It is certain that the members of these two commissions are the most distinguished and able men in their professions. No one of them would compromise his reputation and his honor, acquired by a long life of eminent services, by formulating conclusions upon unfounded, incomplete, superficial, or uncertain information.

By the closest study of the subject; by actual inspection of the works of the canal, made by several of its members; by full discussion and by frequent exchange of views; by subjecting every problem to the critical judgment of all, thus obtaining the most varied opinions; by all the methods and with all the care which the most advanced technical experience could suggest, this eminent commission of engineers has reached a unanimous conclusion, which has been officially communicated to this company, and upon which this company is pursuing the work of construction. These conclusions, signed by every member of the commission, establish the entire feasibility and practicability of completing the canal.

We do not doubt that you will be interested to learn the essential features of our plans, which have been prepared with so much labor and care, and confirmed by four years of continuous study.

1. The old company had already substituted for the proposed sea-level canal a system of locks. This principle, with important modifications and improvements, has been adopted by the new company.

2. The length of the canal from ocean to ocean is 46 miles.

3. The locks will not exceed four on each slope of the divide; all locks will have a rock foundation, and all will have double lock chambers.

4. There is nothing in the physical conditions on the Isthmus to prevent a change from a canal with a system of locks to a sea-level canal should the latter seem desirable in the future.

5. The time of passage from ocean to ocean will be less than a day.

6. The harbors situated at either extremity (Panama and Colon) are not artificial harbors; they are natural harbors, safe and satisfactory, needing but slight improvement. This fact is known to all the world, thanks to commerce, which for almost fifty years has made use of the Panama route (the Panama Railroad).

7. Two-fifths of the work on the canal has been actually constructed; the remaining three-fifths is in a fair way of completion. During the last four years three or four thousand workmen, on an average, have been employed in working on the canal.

8. The company's concessions are unquestionable. The Republic of Colombia has given to the enterprise its cordial and sincere cooperation.

9. The existence and operation of the railroad, long established on the proposed line of the canal, greatly facilitates its construction.

10. No construction is planned which is not fully justified by practical experience.

Formerly the greatest difficulties were:

(a) The control of the floods of the Chagres River; and,

(b) The excavation of the Culebra cut.

The manner in which each of these difficulties is to be surmounted is shown with the greatest detail in the report of the technical commission, which we have the honor to present to you.

The condition of the new company is equally satisfactory. Its assets, including the work actually done on the canal, the buildings, the machinery, the material on hand, exceeds in value 500,000,000 francs, or \$100,000,000, which valuation has been made by a special commission, of which the former director of the National Academy of Roads and Bridges of France was chairman. The company has no mortgage or bonded indebtedness. The property is free from all incumbrance. The company has no other debts than monthly pay rolls. Its cash reserve is largely in excess of its actual needs.

The undersigned company also invites your attention to the provisions of its concession, particularly articles 5 and 6, which reserves all rights to the Government of the United States secured by the treaty with the Republic of Colombia signed in 1846 and ratified in 1848.

We have the honor to be, your obedient servants,

J. BONNARDEL,

The President of the Board of Directors.

Certified by the secretary of the company.

ED. LAMPRE.

This was the opening gun of the campaign, and it was charged with smokeless powder, but the shot was fired at Nicaragua. It was heralded by Mr. Cromwell in a letter dated New York, 28th of November, 1898, addressed to Mr. Hay:

Mr. Cromwell to Mr. Hay.

NEW YORK, December 5, 1898.

MY DEAR SIR: I beg leave to confirm the telegram which I sent you at 10.45 this morning, as per inclosure.

Upon my return I learned through Director-General Hutin (who had preceded me to New York) that the measure which had just been acted on by one branch only of the Colombian Congress was a bill to authorize the executive to negotiate the terms of and to conclude a further prorogation of six years from 1904 for the completion of the canal, under a communication which the company had addressed to the Government, in the form of which I inclose you a translation.

You will note that the company specifically stated to the Government that the prorogation was not a matter of absolute necessity, but was desirable in the interests of commerce and navigation to enable an even deeper cut to be made (and which would reduce the number of locks to four), but which reduction would, of course, require more time than the plan adopted.

You will note that the bill proposed to confer power upon the executive, and this happened to arise under extraordinary political conditions in Bogota. As you have probably been advised through official channels, a serious difference has recently been existing between the House of Representatives of Colombia and the President, the House having passed formal resolution declaring the office of President vacant, and refusing to recognize the qualification of the President before the supreme court.

We therefore construe the action of the House of Representatives as only a part of the strife between the House and the President, and not a declaration of the policy of the nation or the Congress in respect of the Panama Canal, and as not evidencing hostility to the company itself. We are the more confirmed in this belief because of the uniform consideration and cordiality displayed by the Congress and the Government to the New Panama Canal Company, which we have no doubt their minister at Washington would fully confirm to you.

Our company has not the least apprehension regarding any prorogation of its concessions it may consider necessary in the future.

I have, etc., your obedient servant,

WM. NELSON CROMWELL,
Counsel New Panama Canal Company.

APPENDIX 3.

General bases with powers of consummation to Mr. Cromwell. New Panama Canal Company. Extract from the record of the minutes of the proceedings of the board of directors. Meeting of October 31, 1903. Left (at the Department) by Mr. William Nelson Cromwell November 21, 1903.

[English translation.]

Present: Messrs. Bô, president; Monvoisin, vice-president; Terrier, vice-president; Georges Martin, secretary; Bourgois, director; Couvreur, director; Forot, director; Gueydan, director; Rischmann, director; Samper, delegate of the Colombian Government.

M. Ganton, liquidator of the Compagnie Universelle du Canal Interocéanique, was present at the meeting.

Mr. Cromwell, counsel of the company in the United States, has come to Paris to consider with the board of directors the measures which there may be occasion to take at this time on account of the delay of the ratification of the Hay-Herran treaty on the part of Colombia. He proposed to prepare a draft contract which should be submitted to the President of the United States and which would involve the continuance of the arrangements in force. This draft has been examined by M. Waldeck-Rousseau, and its text has been fixed in the following terms:

"General bases proposed by Mr. Cromwell for an understanding be-

tween the President of the United States and the new company, with a view to reaching the performance of the existing contract of March 3, 1903.

"Considering:

"1. The offer made by the new company, through President Bô, on January 9 and 11, 1902;

"2. The acceptance by the President of the United States, through Attorney-General Knox, on the date of February 17, 1903;

"3. The agreement and confirmation of the new company, through Mr. Cromwell, its general counsel in America, under date of March 3, 1903; and

"4. The treaty of January 22, 1903;

"It is recognized that since the said date of March 3, 1903, the Senate of the United States has duly ratified the said treaty, but that this treaty is still pending in Colombia, awaiting ratification or some other decision; and that by reason of the foregoing (and of various other important circumstances) it is mutually desirable that certain details of the existing contract should be now settled.

"Consequently:

"I. It is mutually recognized that the ratification of the said treaty, in the form in which it is now pending, at a date anterior to March 4, 1905, is, by the parties, accepted as being in conformity with the offer, the acceptance, and the confirmation above mentioned. This provision shall apply also to the conclusion of a treaty under another form, or in any way which may be satisfactory to the United States, and which maintains, without modification, the provisions of articles 1 and 2 of the pending treaty. It is understood that in any case the term above mentioned may be prolonged by mutual consent of the parties should occasion arise.

"II. In the meantime the new company will continue the work of excavation of the canal in a manner in conformity with the plans adopted by the new company and by the Isthmian Canal Commission.

"III. This work of excavation shall be carried on under the inspection of a special commission, which shall be appointed by the President of the United States, to which commission the new company shall grant the fullest liberty and facilities for inspection, examination, and information, in order that if the United States carry out the purchase they may be in a position to continue the work themselves without delay.

"IV. The United States shall assume no obligation concerning this work of excavation and expenditure, unless the proposed purchase be carried out by them, and in that case their obligation shall be only that provided in the following article.

"V. In case of carrying out the proposed purchase, all questions of every nature, as well of fact as of law, relative to the claims of the new company for reimbursement for expenditures made by it after the work included in the estimate of the report of the Isthmian Canal Commission of November, 1901, shall be submitted to the judgment and final decision of the President of the United States as sole arbiter."

This draft is unanimously adopted by the members present at the meeting. M. Ganton states that he also gives his approval.

Full powers are given to Mr. Cromwell to allow him to proceed with the President of the United States in the performance of this proposal.

The meeting adjourned at 4 o'clock.

Certified as agreeing with the record of proceedings.

M. Bô,

The President of the Board of Directors.

ED. LAMPRE,

The Secretary-General.

[Translation.]

WASHINGTON, D. C., March 23, 1900.

MR. SECRETARY OF STATE: I should be very grateful if you would kindly do me the honor to grant me an audience on to-morrow, March 24.

Be pleased to accept, Mr. Secretary of State, the assurances of my high consideration and devoted sentiments, together with my anticipated thanks.

M. HUTIN.

Hon. JOHN HAY, Secretary of State, Washington, D. C.

Note handed to Mr. John Hay, Secretary of State of the United States, at Washington, March 24, 1900.

The technical commission appointed by President McKinley in pursuance of the resolution of Congress of March 3, 1899, and presided over by Admiral Walker, will shortly be back in the United States, after examining on the spot the various routes suggested for the opening of a maritime way between the Atlantic and Pacific oceans.

The commission has gathered a large number of investigation documents that have been critically examined, probed, and completed by the personal observations of its members. It has now to draw up its report and formulate its conclusions.

It must be confessed that, whatever be the light in which it is examined, whatever the point of view from which it is considered, the problem of the interoceanic canal is an extremely complex question. Its true solution can only be found by seeking it with an impartial mind and an independent intellect.

It is permissible, however, to say truthfully that the manifold questions raised by the problem in both the technical and economical order have often been discussed under the influence of traditions and prejudices that progress and time have been so far unable to eradicate.

It would not be proper, on the other hand, to lay any stress here on the action and importance of the private interests which have in different quarters been involved in this considerable undertaking. We trust we may simply observe that they are worthy of consideration.

But the natural preponderance of certain national rights and interests and the supremacy of international interests must necessarily be borne in mind if the realization and the future of so great a work are to be insured.

Such are the general principles upon which the course followed by the new company of the Panama Canal was mapped out. In order to demonstrate this, it will be sufficient to recall the written and oral communications of the authorized representatives of the company to the President of the United States and to the Secretary of State in the months of November and December, 1898; the written statements handed to the Rivers and Harbors Committee of the House of Representatives and to the President of the United States on the 27th and 28th of February, 1899, and, lastly, the replies made to Admiral Walker, president of the Isthmian Canal Commission, which are set forth in the stenographic report of the last two sittings held at Paris by the said Commission.

In this convention two remarks will find their place here.

The first relates to the crisis which broke out in January, 1900, in the management of the new company of the Panama Canal. It has been alleged, in the furtherance of certain interests, that the declaration made in the United States in 1898 and 1899 by the board of directors of the company had not received the approval of a large group of parties in interest. This is absolutely erroneous. The truth is that for reasons which can not be usefully recited here there arose a conflict of powers. This conflict is now adjusted under conditions satisfactory to all parties.

The second remark bears upon the incorporation, under date of December 27, 1899, of a society styled "Panama Canal Company of America" under the laws of the State of New Jersey.

It is unnecessary for us to say that the new company of the Panama Canal, being, through its public declarations, in honor bound to reincorporate, under certain conditions in accordance with the laws of any one of the States of the Union, will not fall under any circumstances to discharge that obligation.

But it is obviously important that the freedom of action, not only of the new company, but also that of the Government of the United States itself, be reserved until such reincorporation shall be deemed expedient or become necessary.

This is why we hasten to declare that the Panama Canal Company of America holds no contract and has no legal tie with the new company of the Panama Canal.

As we observed at the outset, the Commission presided over by Admiral Walker has completed the first part of its labors.

We feel sure that it will concede that the new company of the Panama Canal did all that was in its power to facilitate its work.

We placed at its disposal, both at Paris and on the Isthmus, all the archives, all the documents that we had in our possession. We have laid before it as long and complete statements as its members may have desired of our technical plans as a whole, of our economical and statistical investigations, and, finally, of the general condition of our company.

We believe that our duty was thus fulfilled. We therefore venture, respectfully, to express our confidence that the Congress of the United States will not legislate and the Government will not come to a decision upon the question of the interoceanic canal until the report of the Commission shall have been filed.

In conclusion, we still have to consider the new situation created by the signing of the convention of February 5, 1900, between the United States and Great Britain.

The effect of Article I of the said convention is to reserve the final form to be given to the solution of the financial questions connected with the execution of the interoceanic canal.

The new company of the Panama Canal will necessarily be called upon to look into these questions at no very distant time. It will address such communications as may be appropriate on this point to the Government of the United States.

M. HUTIN,
President and General Director.

APPENDIX 4.

SULLIVAN & CROMWELL,
New York, March 31, 1905.

SIR: In connection with the presentation by Señor Jose Vicente Concha, minister plenipotentiary and envoy extraordinary from the Republic of Colombia, of a proposed concessionary convention or treaty between the United States and Colombia, to further the completion, operation, control, and protection of the Panama Canal by the United States, I have been requested by the minister, in view of my relation to the subject as general counsel of the Panama Canal Company, and of my knowledge of the minister's views derived from our daily conferences in the preparation of the treaty, to submit the following reflections:

Colombia welcomes the United States to its territory, and will facilitate in every way reasonable within its power the consummation of the desires and needs of the United States for the completion, operation, maintenance, control, and protection of the interoceanic canal across its domain, subject, of course, to the sovereignty of Colombia, and a reasonable and just convention between the two nations.

Colombia views with admiration, as does the rest of the world, the splendid magnanimity, the far-seeing statesmanship, the virile and comprehensive policy which moves this people to construct the greatest undertaking which ever has engaged the attention of mankind, not for its own benefit alone, nor with selfish preference to its own commerce, but for the common benefit, upon equal terms and under universal neutrality in times of peace for all the peoples of the earth.

History does not furnish another instance of such national generosity, patriotism, and wisdom.

This could not but call out from Colombia the warmest response; and that nation takes pride in associating herself with an affair conducted upon such an elevated plane of national and international duty and concern.

The Isthmian Canal Commission, a most distinguished and able body, selected with much care by President McKinley to consider all possible isthmian canal routes and to determine which of them it is most to the interest of the United States to acquire, has reported unanimously that the Panama route is the most practicable and feasible route for an isthmian canal to be under the control, management, and ownership of the United States. Therefore the solution of the problem only involves two other conditions:

1. The sale by the New Panama Canal Company to the United States of the concession, property, and rights of the canal, with the shares of the Panama Railroad Company.

2. A new concessionary convention or treaty with Colombia.

3. The first of these two conditions already has been made easy of fulfillment in the formal acceptance by the New Panama Canal Company of the valuation fixed by the Isthmian Canal Commission—\$40,000,000—and by its duly authorized proposal to the United States for a sale of the property at that price (subject, of course, to a satisfactory convention being arrived at between the United States and Colombia.)

The sole remaining condition, then, is the determination of the concessionary and treaty relations of the United States to a zone of territory across the Isthmus of Panama necessary for the consummation of the undertaking.

There has not been a moment in which Colombia has not entertained the keenest desire to further the designs of the United States, and this sentiment has prevailed under each succeeding administration in Colombia and alike in both of the great national parties who alternately have ruled that country.

This sentiment is neither new born nor inspired by hope of pecuniary gain. The two nations are old friends, and this feeling assumed practical form in 1846, when the treaty of that year was made, which expressly provided for the construction of this canal; in furtherance of which Colombia guaranteed to the United States the free transit of the Isthmus, and granted extraordinary concessions to the people and commerce of the United States, upon terms of perfect equality with its own citizens, while the United States, in turn, guaranteed the neutrality of the Isthmus and of the canal to be constructed upon it, as well as the sovereignty of Colombia over that territory.

It is a significant fact that this treaty of 1846-48, assuring to the United States especial rights and privileges upon the Isthmus of Panama in connection with any interoceanic canal or railroad across the Isthmus of Panama, antedates the Clayton-Bulwer treaty. The treaty of 1846-48 is in full force, as it has continued to be without change from the date of its execution.

Colombia has never made a treaty with any other nation upon the subject of an isthmian canal, although it was at liberty to do so.

These treaty ties cementing their joint design for the construction of a new highway for the world have held the two nations together in common interests and unbroken friendship for more than half a century.

By granting the concessions now owned by the New Panama Canal Company, and by furthering the construction of the canal to its present advanced stage of completion by the old and new Panama Canal companies, Colombia initiated the great work which now, happily, the United States may consummate.

While the minister of Colombia was in Washington for more than a year waiting for the moment when the subject could be seriously and attentively discussed, it is only since January 4, 1902, that anything could be definitely said or done; since then, and then only, was a definite proposal of sale made by the canal company. Immediately thereupon, however, the Government of Colombia, requiring the service of its then minister in other important fields, designated its minister of war, Señor Concha, as minister plenipotentiary and envoy extraordinary, to come at once from Bogota to Washington, charged with its ripest views and amplest instructions, to confer with the executive authorities of the United States, and, after exchange of information and opinions, to reach a satisfactory convention.

Minister Concha has devoted himself, since his arrival a few weeks ago, absorbingly to this task and is prepared to reach a conclusion with the executive officers of the Government.

He is fully empowered to negotiate and sign a treaty, subject only to the ratification of the Colombian Congress, as in like cases with all nations.

But Colombia is in the dark as to the precise desires and needs of the United States upon the subject, and Minister Concha can not, of course, anticipate in his first statement all the reasonable requirements of this Government. He wishes, however, to manifest in the most hearty manner the desire of his Government to facilitate the purposes of the United States, and this disposition is manifested by the comprehensive convention which he has this day submitted to you, but not as an ultimatum. The establishment of a canal convention involves, as you are so well aware, besides the utilization of a canal zone for the construction, operation, maintenance, control, and protection of a canal, railroad, and auxiliary works, as well as a grant renewable perpetually, and a consent to the sale by the New Panama Canal Company (all of which Colombia concedes in the convention submitted), but also numerous other grave questions relating to judicial procedure, punishment of crimes, the capture of criminals, sanitary and police regulations of Panama and Colon, proper regard to the vested interests upon the Isthmus, exemption of the United States from all forms of taxes, port charges, or other dues, etc. Quite aside from pecuniary matters, these are subjects which only can be examined and negotiated directly with you in person and are impossible of negotiation with the Houses of Congress.

Permit me to call attention to the facts that a canal convention in respect of the Isthmus of Panama necessarily involves considerations which do not relate to a section where there is but a wilderness, uninhabited by man, and producing no income to the nation. The convention respecting the Panama route covers a zone which has been the pathway of commerce across the continent for four hundred years, with important cities at its termini, with villages along the route, with a settled population, with considerable property, and with important vested interests to be taken into consideration.

All this represents an increment of value in civilizing influences, in means of protection, in expenditures of national funds for improvement and development, as well as in certitude of engineering plans, of all which the United States now may derive the benefit.

It would be neither in order nor fitting for the canal company or myself to express any views, one way or the other, upon any of the provisions of the proposed treaty, and our reserve in that regard will be noted. However, I beg to refer, by special request of the minister, to Article XXV of his proposed treaty, and which article relates to the pecuniary terms. Colombia is prepared to discuss, negotiate, and decide upon the precise sum or sums which may be reasonable for the United States to pay and for Colombia to ask; but as the subject is in the hands of Congress, and it seems impracticable at the moment to secure a definite expression of the views of the United States upon the subject, Colombia manifests its good faith and reasonableness by proposing that the annuity shall be only such sum as mutually may be agreed upon between the nations, or, failing in such agreement, such fair and reasonable amount as may be determined by a high commission presided over by the president of the International Peace Tribunal of The Hague, the remaining members being nominated in equal number by the two nations. Such annuity would only be fixed once in a hundred years.

The national requirements of Colombia make a payment of \$7,000,000 desirable, and you will note the provisions on that head; but I also ask you to note that Colombia waives the annuity for the first fourteen years. This method insures to the United States the concessionary rights which it requires and which can not be affected or interrupted by any difference or delay respecting the ascertainment of the annuity. The United States is only required to pay such sum as it may agree upon, or as so may be determined to be fair and reasonable. Colombia does not ask more than what may be determined to be fair and reasonable, and surely the United States does not wish to do less than that.

I have the honor to be, Mr. Secretary,

Your obedient servant,

WM. NELSON CROMWELL,
General Counsel New Panama Canal Company.

Hon. JOHN HAY,
Secretary of State, Washington, D. C.

EMPLOYERS' LIABILITY BILL.

During the delivery of Mr. MORGAN's speech,

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be laid aside temporarily.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Alabama will proceed.

After the conclusion of Mr. MORGAN's speech,

ADMINISTRATION OF DISTRICT SCHOOL LAW.

Mr. FORAKER obtained the floor.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. GALLINGER. Before the resolution of the Senator from Ohio is laid before the Senate I ask the Senator if he will allow me to present the memorial of Rev. S. L. Carruthers and 16 other citizens of the District of Columbia, in reference to the administration of the school law in this District, in which they ask for an investigation by Congress. I do not commit myself in any way to the memorial.

Mr. LODGE. That is in violation of the rule.

The VICE-PRESIDENT. The Chair will suggest to the Senator—

Mr. GALLINGER. I am going to ask that the memorial be printed as a document, and I think under the rule I am entitled to do that. In other words, I am not presenting it as a petition. If the Chair holds that it is in violation of the rule to present this paper as a memorial at this time I will ask that it be printed as a document and referred to the Committee on the District of Columbia.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it will be so ordered.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I desire to call up, if I am in order to do so, resolution No. 180.

The VICE-PRESIDENT. The Senator from Ohio calls up for consideration the resolution named by him, which will be read.

The Secretary read the resolution submitted by Mr. PENROSE on the 3d instant, as follows:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interests, full information bearing upon the recent order dismissing from the military service of the United States three companies of the Twenty-fifth Regiment of Infantry, United States troops (colored).

Mr. DANIEL. Mr. President—

Mr. FORAKER. The resolution which the Secretary has read is the original resolution for which I have offered a substitute.

The VICE-PRESIDENT. Does the Senator from Ohio wish his amendment reported at length?

Mr. FORAKER. No; not necessarily.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio, which has been heretofore read.

Mr. FORAKER. Mr. President, the Senator from Pennsylvania [Mr. PENROSE] is present in the building, and I have sent for him. While waiting for his arrival, I yield to the Senator from Virginia [Mr. DANIEL], if I may be allowed to do so, who, I believe, desires to present some morning business.

Mr. DANIEL. Mr. President, I rise to morning business. I beg leave to offer two petitions and certain bills.

The VICE-PRESIDENT. Under the rule adopted at the last session of Congress it is not in order to interrupt the Senator from Ohio [Mr. FORAKER] for that purpose. The rule to which the Chair refers reads:

It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

Mr. DANIEL. Mr. President, may I be allowed to state that I did not interrupt the Senator from Ohio, but he reminded the Senate that he was waiting for the presence of a Senator on the other side, and yielded the floor to me without being requested to do so or being disturbed upon the floor, and I am, I think, in order.

The VICE-PRESIDENT. If the Senator from Ohio has

yielded the floor, the Chair will recognize the Senator from Virginia.

Mr. FORAKER. I have not yielded the floor.

The VICE-PRESIDENT. Then the Chair is of the opinion—

Mr. FORAKER. I am sorry that I can not now accommodate the Senator from Virginia in view of the statement of the Chair.

Mr. DANIEL. I have no idea of violating the rule, Mr. President.

Mr. FORAKER. I want to retain the floor.

Mr. DANIEL. Very well.

Mr. PENROSE. Mr. President, I should like to call up my resolution, which I believe was the first one introduced on this subject.

Mr. FORAKER. The resolution is already called up. I will say to the Senator from Pennsylvania that I have called up in his absence the Senator's resolution and my substitute, and they are both now before the Senate. On yesterday, while the Senator was absent, these resolutions were before the Senate and there was some discussion then which I thought indicated that there might be an agreement arrived at. I do not want to interfere with the Senator's resolution, but I want to pass my own; and, if there is no objection to my resolution being considered independently, I am willing to have it so considered, and let the Senator's resolution be considered in that way.

Mr. PENROSE. Mr. President, that suggestion is entirely satisfactory to me. I said when the Senator from Ohio presented his resolution that it was not incompatible with mine, one being directed to the President and the other to the Secretary of War. I would suggest that the vote be taken on my resolution, it having been first introduced; and if that shall be passed, that then the Senate consider the resolution of the Senator from Ohio.

Mr. FORAKER. I want it understood that there is a unanimous agreement that my resolution be presented independently as an original resolution, and that it will not be objected to so that it may have to go over; otherwise I shall insist on its being considered as a substitute for the resolution of the Senator from Pennsylvania.

Mr. PENROSE. I ask unanimous consent that that may be considered as the understanding—that we consider the Senator's resolution as an independent resolution, and not subject to go over on one objection.

Mr. WARREN. I wish to say if the resolution which I offered as a substitute, embodying the subject-matter of both resolutions, is considered as standing in the way of the plan proposed by the Senator from Pennsylvania [Mr. PENROSE], it may be laid aside for the purpose indicated by the Senator from Pennsylvania.

The VICE-PRESIDENT. Is there objection to the request that the amendment proposed by the Senator from Ohio [Mr. FORAKER] shall be regarded as an original resolution and be considered after the disposition of the resolution introduced by the Senator from Pennsylvania [Mr. PENROSE]? The Chair hears no objection; and it is so ordered.

Mr. PENROSE. Mr. President, so far as the resolution introduced by the Senator from Wyoming [Mr. WARREN] is concerned, I would be entirely satisfied with it, but as he has withdrawn it I suppose the only question before the Senate is on the adoption of my resolution.

Mr. SPOONER. Mr. President, the question is on the adoption of the resolution of the Senator from Pennsylvania [Mr. PENROSE], as I understand.

The VICE-PRESIDENT. The question is on the adoption of the resolution of the Senator from Pennsylvania.

Mr. SPOONER. Mr. President, I am opposed to the resolution offered by the Senator from Pennsylvania. My opposition to it is based entirely upon the form of it. This resolution does not, so far as the subject-matter goes, fall within the class of inquiries which the Senate has ever been accustomed to address to the President. It implies on its face, Mr. President, a doubt here which I think does not exist; as to whether the Senate is of right entitled to all the facts relating to the discharge of the three named companies or not. Always the Senate, in passing resolutions of inquiry addressed to Cabinet officers, except the Secretary of State, make them in form of *direction*, not *request*. It rarely has happened that a request has been addressed to any Cabinet officer where foreign relations were involved. Where such a resolution has been adopted it has been addressed to the President, with the qualification that he is requested to furnish the information only so far as, in his judgment, the transmission of it is compatible with the public interest.

There are reasons for that, Mr. President. The State Department stands upon an entirely different basis as to the

Congress from the other Departments. The conduct of our foreign relations is vested by the Constitution in the President. It would not be admissible at all that either House should have the power to force from the Secretary of State information connected with the negotiation of treaties, communications from foreign governments, and a variety of matters which, if made public, would result in very great harm in our foreign relations—matters so far within the control of the President that it has always been the practice, and it always will be the practice, to recognize the fact that there is of necessity information which it may not be compatible with the public interest should be transmitted to Congress—to the Senate or to the House.

There are other cases, not especially confined, Mr. President, to the State Department, or to foreign relations, where the President would be at liberty obviously to decline to transmit information to Congress or to either House of Congress. Of course, in time of war, the President being Commander in Chief of the Army and Navy, could not, and the War Department or the Navy Department could not, be required by either House to transmit plans of campaign or orders issued as to the destination of ships, or anything relating to the strategy of war, the public knowledge of which getting to the enemy would defeat the Government and its plans and enure to the benefit of an enemy.

There are still other cases. The Department of Justice would not be expected to transmit to either House the result of its investigations upon which some one had been indicted, and lay bare to the defendant the case of the Government. The confidential investigations in various departments of the Government should be, and have always been, treated by both Houses as confidential, and the President is entirely at liberty to permit by the Cabinet officer to whom the inquiry is addressed as much or as little information regarding them as he might see fit. I have no doubt the President would transmit everything upon this subject. My objection is to the form of the resolution. I think we ought to maintain the uniform practice upon the subject. I do not think, as to a matter upon which the Senate clearly has a right to be fully advised, it should depart from the usual form of directing the transmission by the Secretary of War or the Secretary of the Navy or the Secretary of the Interior, to adopt a resolution of request of the President, bearing upon its face a recognition of the fact that he is at liberty to withhold the information or to transmit such part of it as he shall see fit.

Mr. President, in time of peace as to matters relating to the organization and the administration of the Army there can be no secrecy. It is purely domestic public business, as to which the Congress has a right to know. I should be very much disappointed if in a matter of this kind the Senate should address the inquiry to the President, coupled, as it must be, with the suggestion that we doubt our right to the information. I think it is a bad precedent to establish. In such matters I think we ought to maintain the practice which, so far as I remember, hitherto has been unbroken. Therefore I am opposed to the form of the resolution of the Senator from Pennsylvania. I am in favor of the form of the resolution of the Senator from Ohio.

Mr. FORAKER. Mr. President, I desire only to say a word of the same general character as that which has been spoken by the Senator from Wisconsin [Mr. SPOONER]. My objection to the resolution offered on yesterday by the Senator from Wyoming [Mr. WARREN] was that under it the President would have a right to withhold information particularly called for by the resolution I had offered. Senators will observe when they come to look at that resolution that nothing is called for except only that which is specifically described, and that it is all of a character such as the Senate is clearly entitled to. No one has the right to withhold it from the knowledge of the Senate if the Senate asks for it. That was the only objection I had to having my resolution incorporated with the resolution offered by the Senator from Pennsylvania in a resolution such as was offered by the Senator from Wyoming [Mr. WARREN] on yesterday. The same objection, of course, lies to the suggestion which was made, also, by the Senator from Pennsylvania that we might unite the resolutions. If the Senate sees fit to adopt it, I have no objection to the resolution offered by the Senator from Pennsylvania; but I shall insist in any contingency upon the consideration of my own resolution as calling for information we are clearly entitled to without anybody giving his judgment whether or not it is our right to have it.

Mr. LODGE. Mr. President, on the matter of precedents I have only had a moment to look back. My memory was that we had sent many inquiries to the President which did not refer to foreign relations. On looking hastily back through a book

from the Secretary's desk, I find in the Fifty-ninth Congress the following resolution, offered by the Senator from Minnesota [Mr. NELSON], was adopted:

Resolved, That the President is hereby requested, if not incompatible with the public interests, to transmit to the Senate the reports of the Keep Commission on Department methods, relating to official crop statistics and the investigation of the Twelfth Census report on agriculture.

It seems nothing could be more purely domestic than that. I find another, as follows:

Resolved, That the President be requested to furnish the Senate, if not incompatible with the best interests of the service, the petition and accompanying papers of certain officers of the Army, veterans of the civil war, retired from active service for disability contracted in the line of duty, and who have not yet received the benefits of the act of April 23, 1904.

Those are two very recent ones. I thought I remembered some relating to the Philippines, and I find there are some. This book only goes back to the Fifty-eighth Congress, but I find a resolution submitted by Mr. Hoar, as follows:

Resolved, That the President be requested, if not in his opinion incompatible with the public interest, to inform the Senate whether there be any law or regulation in force in the Philippine Islands which will prevent any native of those islands who may so desire, not under arrest and against whom no charge of any offense against the United States is pending, from coming to the United States and stating his views or desires as to the interest of his people to the President or either House of Congress.

Mr. SPOONER. When was that adopted?

Mr. LODGE. That was referred to the Committee on the Philippines, and printed. It was not adopted. The other two that I read were adopted. I have no doubt that others could be found. Certainly, I think that there can be no question that resolutions of inquiry have been addressed to the President on all possible subjects. In this case, he being Commander in Chief of the Army, it seems to me it is perfectly proper in form to address a resolution to him on a subject where he has taken direct action and about which there is a great deal of public feeling and has been a great deal of public discussion. It seems to me the proper way to get the facts before us is to make inquiry, not only of the War Department, but of the President himself, so that he may have an opportunity to state to Congress in the fullest official manner the reasons which actuated him in rendering this decision, which, of course, as we all know, is peculiarly his own.

Mr. WARREN. Mr. President, I take it for granted the President will find some way to put the Senate in possession of any information he has that he wishes to put before it. On the other hand, it seems to me entirely proper for the Senate to ask the President for such information as the Senate wants, and that he is the proper one to ask. And believing that the Senate and the country want all the information obtainable I am willing, if I have the opportunity, to vote for both resolutions, the one proposed by the Senator from Pennsylvania [Mr. PENROSE] and the one proposed by the Senator from Ohio [Mr. FORAKER]. I know of no rule against such action. I know of no custom against it. I know of no reason why we should not adopt both resolutions as presented here, though by all means we should indorse the one directed to the President whether or not we adopt the other one.

Mr. TELLER. Mr. President, the precedents cited by the senior Senator from Massachusetts [Mr. LODGE] might be increased in great number. For many years past, even during the war, it was a frequent occurrence to call on the President for information. I myself have been somewhat of a stickler in reference to the form of resolutions of inquiry. We request the President, and we direct the Cabinet officers; but, after all, the whole matter of communicating information to this body by Cabinet officers is absolutely under the control of the President. If the President declines or thinks such information should not be sent, it is not sent. We request the President for information, "if not incompatible with the public interest." That is merely a courteous form of making the request. If we left out the expression "if not incompatible with the public interest," he would still have authority to withhold any information. I think it will be found that the rule among Cabinet officers, whenever requests of delicacy or importance have been presented by Congress, has been to consult the President in relation thereto.

Mr. LODGE. Will the Senator allow me to ask him a question in that connection?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. TELLER. Certainly.

Mr. LODGE. My memory is that there have been cases within comparatively recent years where Cabinet officers having been directed by resolution of the Senate to send certain information to it, have withheld entirely, or withheld in part, such information by order of the President.

Mr. TELLER. Undoubtedly.

Mr. LODGE. I think it occurred under Mr. Cleveland on more than one occasion, and I think it has occurred in relation to the Department of the Interior quite recently, though I do not remember the exact date.

Mr. CARMACK. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. TELLER. Yes.

Mr. CARMACK. I think that occurred in a former session of Congress when an answer to a resolution of mine asking the Secretary of the Treasury for certain information was declined on the ground that it would be incompatible with the best interests of the public service.

Mr. TELLER. Mr. President, there are undoubtedly a large number of precedents of that kind. I had occasion some time ago to consult the precedents running back forty or fifty years, and I have a very distinct recollection of a number of cases where Presidents have declined to communicate information both to the House and to the Senate.

I do not think there is any impropriety in our asking the President in a courteous, proper manner to communicate information to the Senate. I am under the impression, Mr. President, that the better practice would be to ask the Secretary of War, the Secretary of the Treasury, or the Secretary of the Navy, whoever it might be that had the matter under control, without annoying the President and adding to his work. But, so far as I am concerned, I am willing to vote for a resolution asking the President for information, or I am willing to vote for a resolution asking the Secretary of War for information; but I do not think we ought to ask them both. It seems to me we ought to confine ourselves to one or the other. I simply express my preference for the method of asking the Secretary of War, instead of asking the President. If the President or the Secretary of War wish to communicate on the subject, they know how to do so by direct message to this body.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. TELLER. Certainly.

Mr. LODGE. I was going to say that the resolution I read requesting the President for certain information in regard to veterans of the civil war was introduced by the Senator from Colorado [Mr. TELLER] himself.

Mr. CARTER. Mr. President, briefly, and principally to address myself to the Senator from Wisconsin [Mr. SPOONER], I think it may be taken for granted that as a matter of mere official ethics the address of the resolution of the Senator from Pennsylvania [Mr. PENROSE] to the President of the United States is deferential and correct. It must not be lost sight of that the President represents the executive department, a coordinate department of the Government. The right of the President, because of his character as Chief Executive of the Nation, charged with the conduct of our foreign affairs, to be the sole judge as to the communication to Congress of matters relating to our international affairs was well stated by the Senator from Wisconsin.

The Senator further proceeded to say that in case of actual war it would be obviously improper for the Senate to call upon the Commander in Chief of the Army and Navy for plans of battle or campaigns, for drafts of fortifications or lines of defense, or for any information which, if made public, might militate against the interests of the country. But the Senator undertakes to differentiate by saying that this is a time of peace, and, therefore, the directions of the President with reference to the Army must be under a different rule as relates to the legislative department from that which would obtain in time of war. The logic of that, I think, will not be apparent to the mind of the Senator from Wisconsin when he reflects upon the particular facts in this case as made known by current information. It is alleged, and not denied, that the troops engaged in the controversy concerning which we seek information actually committed murder in the State of Texas.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. CARTER. I do.

Mr. FORAKER. I do not know whether I correctly understood the Senator. I understood him to say that it is charged, and not denied, that the troops mentioned, or some of them, committed murder in the State of Texas. I want to say to the Senator that I am not surprised that he makes that statement, because that is the popular understanding as I gather from the newspapers; but, nevertheless, it is not true. The record shows that that charge is denied, and there is a great deal of testi-

mony, if not the weight of testimony, in favor of the denial. But that is a matter upon which I do not wish to enter. It is a matter we can discuss after we get the facts for which the resolutions call, one of which facts is the testimony that has been submitted. We can then look it over and see what the state of facts is.

Mr. CARTER. It is not necessary to the elucidation of the point I desire to make that I should characterize the current report as correct or incorrect. I will merely state, then, that it is alleged, and not denied, that certain soldiers of the United States at a point in Texas disturbed the public peace.

Mr. FORAKER. Mr. President, if the Senator will allow me, that also is denied. The question which has been under consideration when the testimony has been taken has been whether or not the soldiers, or any of them, participated in this so-called "shooting up" of the town. The testimony does not clearly show that any of them did, and there is testimony to show that none of them did.

Mr. CARTER. Then, in order to reach an understanding—

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. If the Senator from South Carolina will permit me, I will say that it is alleged—

Mr. FORAKER. Yes.

Mr. CARTER. That some disturbance occurred at a point in Texas for which soldiers of the United States were responsible.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. CARTER. Most assuredly I yield.

Mr. FORAKER. I do not wish to be overly particular about this, but I have seen so much of this statement, assuming that this, that, and the other thing has been done, that I feel called upon to set the Senator right in the hope that I may at the same time set a great many other people right.

Mr. CARTER. I will say to the Senator that I do not assume anything. I say it is alleged. Does the Senator from Ohio deny the fact that it is alleged?

Mr. FORAKER. I do not deny that it is alleged that troops belonging to this command were guilty of the offense to which the Senator refers, but what I want to get before the Senate is that it is denied, and there is a very strong lot of testimony in support of that denial. What the fact is I do not pretend to say. I want to get all the facts, and then we can find out.

Mr. CARTER. Then, Mr. President—

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. I yield to the Senator from South Carolina.

Mr. TILLMAN. I was merely going to remark that I saw in the Washington Post this morning what purports to be an advance copy of something the Secretary of War will send to us in his annual report, and he has thought it of sufficient moment to give it to the press ahead of its official presentation. If I am not mistaken, I saw in that report, or that alleged report—we have to speak by the card this morning, it appears—

Mr. CARTER. The Senator had better put it that way.

Mr. TILLMAN. That the Secretary of War practically asserts what the Senator from Montana asserts; and the Secretary of War certainly would not give out to the newspapers, as an authoritative statement coming from him, a misstatement, would he?

Mr. FORAKER. Mr. President—

Mr. CARTER. I wish to interpolate, to the end that it may not be lost to the record, that the Senator from Montana has made no assertion in reference to the occurrence in Texas.

Mr. TILLMAN. I understand that what the Senator is alleging—

Mr. CARTER. The Senator stated that it was alleged in current reports. Beyond that the Senator from Montana asserted nothing.

Mr. TILLMAN. The Secretary of War alleges, or the newspapers allege that he alleges, that certain soldiers, ten or twenty, did shoot up the town of Brownsville, and the facts in regard to that transaction are what the Senator from Ohio is trying to get, and I hope the Senate will help him to get them.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. CARTER. I yield.

Mr. FORAKER. Just a moment, if the Senator will allow me. I also read in the morning papers what was reported to have been written by the Secretary of War, and I noticed the un-

qualified statement of the guilt of these men made by the Secretary of War, and it was because I noted that that I was more particular to interrupt the Senator from Montana than I otherwise would have been.

The Secretary of War, as I understand, does not pretend to have any information on this subject except only what is given in a pamphlet which has been printed by the War Department, setting forth all the testimony that has been taken in regard to this trouble, and setting forth also the reports of the several inspectors who have been there to investigate that trouble. This is what the Secretary of War had before him—

Mr. TILLMAN rose.

Mr. FORAKER. Only a line, if the Senator from South Carolina will allow me.

Mr. TILLMAN. I merely want to ask the Senator where he got the copy of that document. I have been trying to get something bearing on this subject.

Mr. FORAKER. I saw in the newspapers that the War Department had printed this document, and I sent there and asked if I might be favored with a copy, and they favored me. I have no doubt the Department will give the Senator one.

Mr. GALLINGER. One was sent to everybody.

Mr. LODGE. One was sent to every Senator.

Mr. TILLMAN. Mine has not come. I should like to have the Senator from Massachusetts give me his, if he has a copy of it.

Mr. FORAKER. Major Blocksom is the first inspector sent to Brownsville and the only one who went to Brownsville, and after he had been there and had carefully gone over the whole situation, and after he had examined all the witnesses and had inquired among the troops he saw fit to call upon, and after he had familiarized himself with the testimony taken by the citizens' committee, he wrote his report, in which occurs this statement:

The officers appeared to be trying to find the criminals, but it is certainly unfortunate for the reputation of the battalion that they have as yet hardly discovered a single clue to such a terrible preconcerted crime committed by so many men.

Then on the 28th day of August, after he had completed his investigation and after the command had left there for El Reno, he reported to the War Department, to the Chief of Staff, saying, among other things:

Almost no evidence against men arrested, though believe majority more or less guilty, etc.

Mr. CARTER. Mr. President—

Mr. FORAKER. If the Senator will bear with me for just a moment, running all through not only this report, but each of the other reports, is the same uncertainty as to the guilt, the same confession that there is no satisfactory evidence; and I do not hesitate to say that this evidence, on which is predicated the claim that these men are guilty of committing this crime, is the most incomplete, the most unsatisfactory, the most flimsy in character on which a conviction was ever rested to my knowledge. So, instead of saying there is against these men testimony which shows their guilt without doubt, just the opposite is true.

In addition to the character of this testimony, which is so unsatisfactory, is the contradictory testimony, negating these charges, given by the noncommissioned officers who had charge of quarters, and who had charge of the guns, and who were in a situation to know what the truth was. I understand it will be no trouble to show that these are all men of good reputation for truth and veracity, who have the confidence, as the positions they hold indicate they have, of the officers who put them in those positions. Now, the testimony of all these men is of necessity entirely excluded by those who say there is no doubt whatever about the guilt.

But, as I say, I do not now desire to discuss this matter. When I get the facts I do want to present to the Senate an analysis of the testimony, to show the character of it, and to show how unsatisfactory and how insufficient it is to warrant the serious finding against these men, and especially the men who are conceded to be innocent and who are being punished under this order.

Mr. CARTER. Mr. President, I think the Senate will agree with me—

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. I should like to make an observation just at this point, and then I shall be glad to yield.

The VICE-PRESIDENT. The Senator from Montana declines to yield.

Mr. CARTER. Mr. President, the Senator from Ohio challenged my statement that it was alleged that some disturbance occurred in the State of Texas with which troops of the United States were connected.

Mr. FORAKER. No; "responsible."

Mr. CARTER. I submit to the Senate that the Senator from Ohio has amply justified by his statement the fact that allegations were made and issues framed to which he very eloquently addresses himself.

I now yield to the Senator from Texas.

Mr. CULBERSON. Mr. President, by the courtesy of the Senator from Montana I desire to state that I agree with the Senator from Ohio that this is not the time to discuss the testimony. But I can not permit his observation to pass unchallenged that there is practically no testimony as to the guilt of these soldiers on the 13th of August at Brownsville.

Mr. FORAKER. If the Senator from Texas will pardon me, I did not say there was no testimony or practically no testimony.

Mr. CULBERSON. The Senator from Ohio said the weight of the testimony was to the contrary.

Mr. FORAKER. I said the testimony was insufficient, and that the weight of the testimony, if colored men are to be believed at all, is to the contrary.

Mr. CULBERSON. Occupying but a moment more of the time of the Senator from Montana, I desire to call attention to the fact that the Senator from Ohio omitted, doubtless inadvertently, to read fully from the report before him. I desire to read a paragraph from the report of the commanding officer at Fort Brown upon the subject, which the Senator no doubt has seen. I read from a telegram, dated August 15, to The Military Secretary, and signed C. W. Penrose, Major, Twenty-fifth Infantry, Commanding. The Senator from Ohio will find it at the bottom of page 12 of this pamphlet:

Were it not for the damaging evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime.

* That was based, Mr. President, upon their statement merely that they were not. Now, what does the major add to that?

But with this fact so painfully before me I am not only convinced it was perpetrated by men of this command, but that it was carefully planned beforehand. I have the affidavits from three noncommissioned officers who were in charge of quarters on the day and night, and they swear positively the rifles were verified and the racks locked after drill (practice march of Companies B and D, drill of Company C), and the old guard returned to the quarters; that they never left the quarters, and that the keys to the locks of the racks were never out of their possession, and that the racks were not opened until call to arms sounded, and were then opened by them.

From testimony gathered by the citizens' committee and given to me by Doctor Combe, I believe from seven to ten men were implicated in this matter. Some one of them must have had a key to the gun rack, and after check roll call was taken—for all were reported present at 11 p. m. roll call—they slipped out of quarters, did the shooting, returned while the companies were forming, and at some time during the early hours of the morning cleaned their rifles. This is made possible from the fact that the shooting all occurred within two short blocks of the barracks.

Mr. President, that is all I desire to say for the present, but I ought to have had the indulgence of the Senate while I gave to the Senate and to the country this statement of the commanding officer.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. FORAKER. Will the Senator from Montana yield to me for another moment?

Mr. CARTER. Certainly.

Mr. FORAKER. I wish to correct the impression which the Senator from Texas seems to have received from what I said. I did not say, as I understood him to repeat I had said, that there was no testimony. I said it was unsatisfactory, incomplete, and of a flimsy character, using some such expressions as those; and that I reiterate. I was not unmindful of the fact, when I made that statement, that Major Penrose, the commanding officer, had made this report. I had read it. But, Mr. President, I was, with that in mind, also remembering what the testimony is in this case and what I shall be able to show to Senators it is in this case when we come to analyze it and discuss it and compare it and point out its consistencies and its inconsistencies. I think Major Penrose, when he wrote that report, was of the opinion that certain of the men had unlocked the gun racks and had taken out the guns and had done this firing, and that that was the only way to account for the "shooting up" of the town; and it may be that that is the truth. I do not pretend to say. But I do say that the weight of testimony, if the colored men who have given their evidence under oath are to be believed, is to the contrary, and I think I can demonstrate that, and I think I can explain, too, why Major Penrose made that kind of a concession in the report he made.

Mr. CARTER. Mr. President, it was no part of my purpose to precipitate at this time a discussion on the merits of this controversy, with only limited information in the possession of

the Senate. The purpose of the resolution of the Senator from Pennsylvania [Mr. PENROSE], supplemented by that of the Senator from Ohio [Mr. FORAKER], is to secure full information concerning those transactions referred to in the respective resolutions. The only question before the Senate, as I understand, is that raised by the Senator from Wisconsin [Mr. SPOONER] concerning the manner of addressing the President of the United States in the resolution upon which we are about to vote. He objects to the words "if compatible with the public interest," thus leaving it, according to the phraseology, respectfully subject to the judgment of the President as to whether the information shall be given in whole or in part.

Now, the Senator from Wisconsin proceeds to say that this would be an entirely proper address to the President of the United States if we were engaged in actual war. This resolution refers to the management of the Army of the United States by its Commander in Chief, the President of the United States, and I suggest to the Senator that the form of address which would be proper in time of war can not be improper in time of peace.

The Senator upon reflection will realize—and I again approach dangerous ground—that it is alleged that in this case, in the transaction complained of, certain citizens of the State of Texas were murdered, and that the Army of the United States was in some manner, directly or indirectly, concerned in that murder. I submit to the Senator from Wisconsin that it is not improbable, under such circumstances, that the Department of Justice has been in correspondence with officials of the State of Texas with reference to the subject-matter of this alleged murder of citizens of that State. This resolution, if addressed to the President containing no limitation as to that discretion, or suggestion of it, would not only call upon the President to send to the Senate all the correspondence emanating from the War Department and the officers of the United States Army, but likewise all the information contained in the correspondence of the Department of Justice with officials of the State of Texas.

Now, it must be obvious, I think—along the line of reasoning suggested by the Senator—that it would be highly improper for us to ask the Department of Justice to convey to us information, which would thus become public, concerning a public transaction; that it would be highly improper to ask the President of the United States unqualifiedly to transmit to the Senate correspondence with officials of the State of Texas which involves or may involve the possible criminality of a soldier of the United States under the laws of that State. So, according to the reasoning of the Senator himself, I think it is quite obvious that the phraseology of the Senator from Pennsylvania in respectfully suggesting to the President that he may transmit this information, if, in his judgment, it is not incompatible with the public interest, is eminently appropriate in this particular case. I think the Senator from Pennsylvania weighed his words well and considered the situation fully when he framed the language of that resolution, which is in conformity, as I understand, with an ancient and almost unvarying line of precedents emanating from this body.

Mr. PENROSE. Mr. President, I have as high an opinion of the legal attainments and knowledge of precedents possessed by the Senator from Wisconsin [Mr. SPOONER] as has any member of this body, and I do not yield to him in any degree in my jealous regard for the prerogatives and privileges of the Senatorial office. But in the contention he makes in this matter I can not see that he has the slightest foundation in the line of precedents. The Senator from Massachusetts [Mr. LODGE] has referred to several of them. I have one here:

JANUARY 16, 1906.

Mr. TELLER submitted the following resolution:

Resolved, That the President be requested to furnish the Senate, if not incompatible with the best interests of the service, the petition and accompanying papers of certain officers of the Army, veterans of the civil war, retired from active service for disability contracted in the line of duty, and who have not yet received the benefits of the act of April 23, 1904.

A purely routine departmental matter, having no relation to the high constitutional and international relations referred to by the Senator from Wisconsin. On January 31 the President, in response to the Senate resolution, sent to this body a message of many pages, being Senate Document 179.

On May 28, 1906, Mr. NELSON submitted the following resolution:

Resolved, That the President is hereby requested, if not incompatible with the public interests, to transmit to the Senate the reports of the Keep Commission on Department methods, relating to official crop statistics and the investigation of the Twelfth Census report on agriculture.

In response to that resolution, which was passed by the Senate, the President sent a message, known as "Document No. 464," relating to a matter possessing none of those high qualifications—constitutional and international—referred to by the

Senator from Wisconsin. I have here a number of other resolutions, but I will not take up the time of the Senate by more than referring to them.

The pending resolution was not hastily prepared by me, but was prepared after having examined a very large number of precedents in the Senate, and the phraseology is identical with those precedents. If the resolution differs from its predecessors, it is only in the element of its greater brevity and simplicity.

It occurred to me that the President, being the Commander in Chief of the Army of the United States, having assumed before the country sole responsibility for this act, having in the public mind, perhaps, incurred some disagreement with his own Secretary of War upon the subject, was the proper person and the only person to whom this body should submit a resolution requesting information; that it would be discourteous to him to go below or beyond him and ask the information from any other person than the one who was primarily responsible and the one who assumed the responsibility before the people of the country.

Mr. President, I introduced the resolution without guile, out of a natural relationship to a large colored constituency in the State of Pennsylvania, whose race prejudice has been aroused and who felt that perhaps an affront had been put upon them. I did not know that I was going to create such a disturbance in the minds of some of my colleagues as was developed when I heard the anguished tones of the Senator from Ohio informing this body that he had a similar resolution which he would like promptly to get before us.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. FORAKER. I did not catch the adjective which the Senator from Pennsylvania prefixed to my tones.

Mr. PENROSE. I had no political purpose to serve and no one to punish.

Mr. FORAKER. Mr. President—

Mr. PENROSE. I was in a legitimate mental attitude.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. PENROSE. I will be through in a minute, and then the Senator from Ohio can have the floor.

The VICE-PRESIDENT. The Senator from Pennsylvania declines to yield.

Mr. PENROSE. I was in a perfectly legitimate mental attitude, desiring to seek the truth, a condition of mind to which no reasonable man can object. Nor have I ever known a resolution solely, and in a bona fide spirit, intended for such a purpose to be objected to or delayed or to encounter technical objection or controversy.

I am myself investigating this matter, and if I find that these colored troops have been wronged, if injustice has been perpetrated, I will be as zealous and active as the Senator from Ohio or any other member of this body to see that that injustice is righted. If, on the other hand, grave felonies and misdemeanors and wrongs have been committed and the action of the Department is right, I will be found supporting the action of the Department. At the present time my only interest is to see that this matter is thoroughly cleared up, and that the great colored constituency of Pennsylvania will feel that there is no mystery or obscurity surrounding the subject, and that no injustice has been perpetrated upon their race.

Mr. FORAKER. Mr. President, I understood the Senator from Pennsylvania [Mr. PENROSE] to say that I had offered my resolution in angry tones.

Several SENATORS. Anguished.

Mr. FORAKER. What is it?

Mr. PENROSE. I referred more to a condition of anguish than of anger.

Mr. FORAKER. Oh, anguished. Mr. President, I was not aware that my tones indicated either anger or anguish. They certainly did not indicate either. I, in common with everybody else, I think, was taken by surprise when the Senator from Pennsylvania, violating all precedents, offered his resolution. I happened to have in my pocket the resolution which I had dictated to my stenographer, and which he had furnished to me, but which I had not had opportunity to look over, and not understanding and not liking the kind of resolution offered by the Senator from Pennsylvania, I offered mine as a substitute, and asked that it might go over until another day, when it could be properly considered. I have no purpose in view except only what the Senator from Pennsylvania says he has in view, to get the facts in order that the whole subject may be intelligently considered and acted upon here in the Senate, as I think it will have to be.

But, Mr. President, what I rose to say more particularly

than that is that I did not offer the resolution because it involved the race question. It is not necessary to consider that question at all, and I do not desire to consider that question, and have no thought to consider that question. In my opinion, it is a much broader and a much more serious and a much more important question than that. It is a question which concerns white men as well as colored men. It is a question which concerns the Army itself. What avail is it that the Congress may raise armies if, as fast as they are raised, the President may, if he sees fit to do so, disband them? If the President may disband one company he may disband three, as he has done here, and if he may discharge a whole battalion, he can do away with a regiment if he so likes, and if he can do away with a regiment, a brigade, and, as I say, the whole Army.

But that is not the most important question either, Mr. President, for I do not apprehend that any President would do anything like that. I believe it will be easy to show that no President has power to do any such thing and that no President would have disposition to do any such thing. The broader question is one of constitutional right. The President does have power, as the Secretary of War says in the statement published in the papers this morning, to grant discharges without honor in contradistinction to discharges that are dishonorable and to discharges that are honorable. But running through all authority, and necessarily so because of the spirit of our institutions as well as the letter of the law, is this rule, that no such discharge can be granted by any order, from the President down, when it rests upon a conviction of a felony punishable with imprisonment in the penitentiary under the laws of the United States and when as a result of such discharge punishment is inflicted as though it had been in pursuance of the sentence of a court-martial.

Whenever it comes to the point where men are charged with the commission of a criminal act they are entitled to a trial before they are condemned, and they have that right, although they may be enlisted men in the Army of the United States. They have it under our constitutional guaranties, and they have it according to the letter of the statute that is applicable. I shall point out, when the proper time comes, that the Congress of the United States has been careful, in enacting the Articles of War and other statutes for the government and regulation of the Army, to provide that there shall be no conviction of any enlisted man of any offense upon which a discharge can be predicated until he has had a trial before a court-martial or some other duly constituted tribunal.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. FORAKER. I yield.

Mr. WARREN. I assume, of course, that the Senator from Ohio realizes the fact that the President of the United States has power to reduce or increase the Army within certain limits, and that he has heretofore exercised it, decreasing it very materially?

Mr. FORAKER. Yes; and there arises another question, which I did not intend to address myself to now. The President has the right and the power under the law which we have enacted to increase the Army not beyond a named maximum and to decrease it not below a named minimum. If he undertake to decrease the Army below the minimum by discharging a battalion, if it have that result, his act for that reason would be unlawful.

But, Mr. President, I do not stand upon any mere statutory provision of that kind. I stand upon the broad proposition that no man in this country can be convicted of crime until he has had a right to be heard.

Now, how stands the case with these men? I have called attention to the fact in the remarks made a few minutes ago that these enlisted men and their officers, who were in charge of guns and quarters, have all testified under oath. If their testimony be true, no crime has been committed by any of these men, and it is only upon the theory that they have also committed perjury that the conclusion was reached upon which this action has been taken.

So these men are guilty, some of them of murder, if the case upon which the President has acted be established; others from the knowledge of that murder have been guilty of misprision of felony in refusing to tell about it, and others of them still, nearly all of them, have committed perjury in saying they had no knowledge of it. They can therefore be tried for three crimes, all of them involving moral turpitude and all of them involving punishment in the penitentiary.

Is it possible, Mr. President, that by an Executive order men can be so convicted and punished?

But look, if you will bear with me a moment, to the result of this order. The resolution I have offered points out—and I had that in my mind—that we have a statute which provides that when a man has served for thirty years faithfully and honorably he shall have a right to retire on three-quarters pay with a monthly allowance of \$9 for clothing and subsistence. That can not be allowed to the man who is discharged without honor. It is only allowed to the man who is honorably discharged. I do not know how many men there are, but quite a number, I know, from the testimony which has been given, of those who have been discharged who would soon be entitled to be so retired. That is an important right. All retained pay is forfeited; so, too, their right to pensions.

Others have served more than twenty years and are entitled to membership in the Soldiers' Homes of the country. They lose that right. All of them, if honorably discharged, will be entitled to honorable burial, without cost to them, in national cemeteries. They lose that right. All this is not important, perhaps, to the Senator from Pennsylvania, but it is important to the men who have served so long and so faithfully to acquire these rights.

So I might go on enumerating other rights.

Mr. PENROSE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FORAKER. I will be through in a little bit, and the Senator can then take the floor and deal in questions of anguish or anger, as he may see fit.

So it is, Mr. President, that this broadens out, as I say, into a case where men are sent forth branded as criminals, threefold criminals—men who have committed murder or who have suppressed the knowledge of murder, although called upon by the legal authorities to give that knowledge, and men who have committed perjury. They are branded with all these crimes, and as a result of it they are stripped not only of honors, but also of property rights.

Now, I say, without any statutory provision on the subject, the Constitution itself protects them. No man can be deprived of life, liberty, or property without due process of law. Due process of law means in accordance with the law of the land. The law of the land says when a man is charged, although an enlisted man in the service of the United States, with the commission of an offense of that character he shall have a right to trial before a court-martial and the sentence shall be such as the court-martial may direct. That is the law of the case.

It was from considerations of that kind, without any desire, Mr. President, to make it a color question, without any desire to introduce into the discussion of the subject any of the race prejudice that we see so much of to our great regret here and there, evinced throughout the country, without any desire to find any fault with any body, but only that we might protect broad principles and protect men who are entitled to our protection in the enjoyment of their acquired rights that I introduced this resolution and specified the facts I want to obtain.

Mr. SCOTT. Will the Senator from Ohio allow me to ask him a question?

Mr. FORAKER. Certainly.

Mr. SCOTT. May I ask whether any of the white officers who had charge of these three companies were dismissed in the order?

Mr. FORAKER. No, Mr. President, no white officer is discharged. No white officer is really criticised. There is a sort of criticism made by Major Blocksom, the first inspector, as to one of the officers, but that he practically answers and says he does not insist upon it. They go clearly acquit. I think, Mr. President, they are entitled to go acquit until there is some evidence produced that somebody did the thing these men are charged with having done.

Now, the Senator talks about this testimony. There is a great deal of it I might read at length, but if Senators will bear with me a moment I will read just two or three samples. Here is the kind of testimony sent to the War Department, and which along with other testimony forms the predicate of this case of crime.

Mr. F. M. McCampbell's testimony:

I was on my way to the house on the night of the 13th, when we met some soldiers, and they turned the guns on us and asked us, "What are you sons of bitches hunting for?" I think it was a whole company. I did not see any white officer with them. I just saw the ranks of the soldiers. They went in the direction of town, and "We care very little if we shoot you full of holes," they said. Mr. Fielder was going to the hotel. I did not see any firing. I don't think there was a commissioned officer with the soldiers. That's all, about, I know. This happened right about behind the market. There must have been about fifty or sixty men in the company. Mr. Fielder was with me going to the Rio Grande Hotel at that time. That's all.

The testimony shows, and there is no dispute upon that point, that after the firing was over the commanding officer sent one of

the companies, consisting of fifty-two men, to patrol the town, and those are the soliders this man saw. Yet that is paraded as evidence that the soliders did this shooting.

Mr. M. G. Dalling's testimony:

I am a State ranger. I have come into the possession of some information this morning, which I got from this soda-water man who sells soda water. He told me that this soda-water man had been told by a saloon man, who keeps a saloon in the edge of town, that some shooting had been done last night, and that Company C could have taken the whole town if they had wanted to, and that they could take the whole damn State.

Mr. G. W. H. Rucker's testimony:

About Monday night last, about half past 8 o'clock, I took two cases of soda water to saloon near edge of town. There were about thirty or forty negroes inside gambling, as near as I can ascertain about the crowd, and I heard three or four negroes making threats that they would die and go to heaven before they would go back into post, but do not know what the conversation was about. Yes; I know if I would see this soldier again I would recognize him. I could pick him out of a crowd. He was a soldier. Yesterday morning I passed this negro saloon, but nobody was there. At about 12 o'clock, it must have been, as I was picking up empty cases, I went to this saloon, and the proprietor told me that he did not need any "pop," as the boys had been having a little trouble with the citizens and they were all in the post. He is working for two soldiers who are in the post, who own the saloon. He said that if a gun had been fired last night that Company C could have come out without any orders, and would run every man out of town; that Company C could whip the whole State of Texas.

And so on for quantity. Now, here is the testimony of Mr. J. P. McDonald. Here is a right intelligent witness, but he contradicts in one respect the testimony of every man on whose testimony this finding is based. Mr. J. P. McDonald testified:

Question. We are here to get what information we can that will throw light on the circumstance.—Answer. I board on the little block next the garrison, about the middle. I knew there was bitter feeling in town and thought that if they caught any negro soldiers up town they might do them up. So I laid awake; never pulled off my shoes. When the first fire started I jumped up. There were from six to ten shots on Elizabeth street; then they ceased.

There is the testimony of a citizen of Brownsville, who laid awake because he was expecting trouble, and being awake and listening for them, he heard the first shots, and he has a right to testify intelligently upon that point. He tells us where the firing commenced—down on Elizabeth street. Other witnesses claim to have seen colored soldiers and that the firing commenced at the quarters inside the wall surrounding the post.

I might go on at great length, but I think I have gone far enough to show the general character of this testimony. Then, after this testimony there is testimony here that will be given proper attention at the proper time, of people who say what they saw; but, as I said, when I take it up to analyze it I will have something to say about that testimony which I do not want to say now.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. I yield for a moment.

Mr. CULBERSON. The Senator from Ohio in reading the testimony of this man McDonald undertakes to create the impression—in fact, I believe he makes a direct statement, which contradicts the other witnesses—by saying that the first shots were fired on Elizabeth street. The Senator is mistaken in that. He has misconstrued the testimony. The man said:

When the first fire started I jumped up. There were from six to ten shots on Elizabeth street; then they ceased.

Mr. FORAKER. I stand corrected, then. I was not aware that any witness had so testified.

Mr. CULBERSON. It is the same witness the Senator read from a moment ago.

Mr. FORAKER. What witness?

Mr. CULBERSON. McDonald.

Mr. FORAKER. Where does he say that?

Mr. CULBERSON. On page 29.

Mr. FORAKER. That is the same thing I stated.

Mr. CULBERSON. Precisely; but the Senator stated and he undertook to make the impression that this witness said the first shots fired were on Elizabeth street. He only states that from six to ten shots on that street were fired.

Mr. FORAKER. That is what I said. He said the firing commenced on Elizabeth street.

Mr. CULBERSON. That is a mistake. The Senator misreads the testimony of the witness. He says he was lying down when the first firing was heard. Then he adds that "there were from six to ten shots fired on Elizabeth street; then they ceased." Those were the last shots fired, Mr. President, and not the first.

Mr. FORAKER. Now, Mr. President, let us see if they were the last. The witness proceeds:

When the first fire started I jumped up. There were from six to ten shots on Elizabeth street; then they ceased. I went down the

street to the next block and on to the alley and stopped on the corner. The shooting commenced again just inside the garrison wall.

So it was not the last. I may be in error about the effect I attach to the witness's statement, but I just happened to have my eye fall upon it as I was looking through the record, and, remembering what he had said, I thought that it would answer for an illustration as well as anything else.

But I would call the attention of the Senator at the proper time to the fact that this testimony is full of conflicts of that character, so full of conflicts that it is absolutely unreliable standing by itself, and I do not believe any jury in Christendom, unbiased, impartial, would find on such a state of evidence anybody guilty of the commission of any serious offense. When I say I do not believe a jury would find them guilty I mean in view of the weight that should be attached to testimony that is in conflict with that given by the troops themselves. They testify in such a way that it would be impossible for any man in that command to have done this shooting.

But about that I do not wish to be understood as taking any positive position. I am only pointing out that there is grave conflict in this testimony, and that no man who is careful as to what he says has a right to say, in view of this state of evidence, that there is no doubt whatever as to the guilt of these men. There is doubt about it—serious doubt. I commenced the reading of it under the impression that there was no doubt. I took that as granted. I supposed, as a matter of course, from what I had seen in the papers and what I had seen of the action which had been taken, that upon satisfactory testimony it had been established that there was that guilt. But when I got through with the testimony, starting in with a perfectly open mind, I came out with grave doubt about it. Now, I want all the facts I can get, for it is a serious, broad, far-reaching matter. When we have all the facts my resolution calls for, we can consider the matter intelligently.

Mr. TELLER. Mr. President, it is quite apparent that we can not intelligently discuss this question, not having the information we ought to have. It seems to me the only question is how we shall get the proper information. I understand the objection made by the Senator from Wisconsin [Mr. SPOONER] was practically the question of order, whether the resolution of the Senator from Pennsylvania [Mr. PENROSE] was in order or not. I think he will probably not insist upon that.

The resolution of the Senator from Ohio [Mr. FORAKER] calls for more than the resolution of the Senator from Pennsylvania. It calls for specific information upon the part of the Secretary of War and it calls for the form of the dismissal. I do not know whether any Senators have seen it. I know I have not, and I am not aware what it is. I believe we will get more information directly from the Secretary than from the President, unless the President sees fit to refer the whole matter to the Secretary.

Mr. President, this is a subject that is being pretty actively discussed. I have on my table here now a resolution from a very respectable meeting of colored people in Colorado. Some of them I know to be very respectable people. They are greatly excited, because they are going upon the theory that the President has done something to these people because they were colored. I do not myself suppose that there is anything in that at all.

These colored soldiers were charged with a grave offense. If they had been white men and had been guilty of what is charged they were guilty of, the President would have been certainly justified in proceeding as far as his constitutional authority would allow him to proceed. I do not know myself whether he has proceeded beyond that point or not. I know it is asserted in some circles by some people that he has gone beyond it. That is a matter which I think we could discuss better after we have the form of the discharge and have had an opportunity to look into all the conditions and study the statutes upon this subject.

It seems to me, Mr. President, that the thing to do is to get a report of all the facts and send them to some proper committee, which will be, I suppose, the Committee on Military Affairs as a matter of course. I do not believe that you will ever come to any proper conclusion about it except by some such tribunal as that.

I wish the Senator from Pennsylvania would withdraw his resolution and allow the resolution of the Senator from Ohio to pass, and dispose of this question in what I think would be a satisfactory way to everybody. If the Senator insists upon it, I do not know that we can pass both resolutions. I do not think it would be exactly courteous to ask the President for one thing and the Secretary of War for another.

Mr. PENROSE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. TELLER. I yield.

Mr. PENROSE. I understand the friends of both resolutions are satisfied with the arrangement suggested, that both resolutions be passed.

Mr. TELLER. Very well; I have no further remarks to make on the subject.

Mr. SPOONER. Mr. President, I desire to submit a few observations.

I agree entirely with the Senator from Colorado [Mr. TELLER] that this discussion of the merits of the question is entirely premature. For one I intend to withhold any discussion of it until the incoming of a report which puts the Senate officially in possession of all the facts in relation to it.

The Senator from Colorado is mistaken in supposing that I made any point of order against the resolution offered by the Senator from Pennsylvania. I did not. I objected to the form of the resolution—that is, I objected to a resolution addressed to the President as unusual. I still adhere, Mr. President, to that objection as a matter of proper practice, although there is nothing in the Constitution to prohibit it, nothing in the rules of the Senate to prohibit it. It is entirely competent for the Senate to pass it.

Mr. PENROSE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. SPOONER. Certainly.

Mr. PENROSE. I should like to ask the Senator on that point whether he contradicts the statement made by me and the Senator from Massachusetts [Mr. LODGE] that there are numerous precedents of the Senate justifying this course. His present objection is purely theoretical and critical of a bad practice in the past as much as in the present.

Mr. SPOONER. I will get to that. Mr. President, I have not examined the precedents. I speak from my recollection as to the almost uniform practice of the Senate during a period of nearly sixteen years in which I have been a member of the body. It appears that resolutions addressed to the President have been introduced and passed—one offered by the Senator from Colorado [Mr. TELLER]. I rather think it must have been inadvertently done, because it was not a subject upon which, so far as I recollect the scope of the resolution, there could have been any possibility of the Executive withholding information from the Senate. The general practice of the Senate has been—and it is a good practice, an almost universal practice, except in those cases where the nature of the subject is such as to warrant the belief that all of the information may not properly and safely be communicated to either House of Congress—not to address the resolution of inquiry to the President, but to address it to the Secretary of the appropriate Department, making it a direction instead of a request.

The precedent cited by the Senator from Massachusetts relative to a request upon the President for a copy of the report of the Keep Commission does not fall at all within the exception. The Keep Commission was not a commission authorized by law. It was a commission appointed by the President composed of officials selected from the various Departments to investigate the methods of the Executive Departments of the Government and to report to the President for his information, as I recollect it.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. SPOONER. Certainly.

Mr. CARTER. I should like to ask the Senator from Wisconsin if that portion of the resolution should be amended, thus calling upon the President for all the correspondence and all the facts, whether he would deem it proper to call upon the President, without qualification, to communicate to the Senate, and therefore to the public, the correspondence, if any there be, between the Department of Justice and the legally constituted authorities of the State of Texas with reference to the commission of crimes in that State by soldiers of the United States liable to punishment under State law, if such communication would militate against the ends of justice?

Mr. SPOONER. The Senator from Montana has utterly misapprehended my objection to this resolution. He insists that my objection is because of the presence in it of the words "if not incompatible with the public interests." He is quite mistaken. I know quite well that propriety demands that when a request for information is addressed to the President—and that is why I think such requests are limited, and has been in general practice, to the cases which I indicated when I first spoke—it is always qualified, so far as I recollect, by these words. My

preference for the resolution of the Senator from Ohio is because, being a request for detailed information, our right to which is beyond question, it is addressed to the Secretary of War, and contains no evidence that the Senate doubts its right to the information.

I do not take it to be open to debate, Mr. President, that the Senate has a right to obtain from the War Department copies of discharges, records of courts-martial—everything relating to the domestic administration of the Army not connected with plans of campaign or of war.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. SPOONER. I do.

Mr. CARTER. Then I wish to state that I clearly and distinctly understood the Senator from Wisconsin to object to the words "if not incompatible with the public interests" in this form of resolution.

Mr. SPOONER. Mr. President, I objected to the resolution because it requires those words and implies in the resolution itself a doubt upon the part of the Senate whether or not this information might be properly withheld from the Senate. That is my objection.

Mr. CARTER. The objection of the Senator was to the addressing of any resolution to the President on the subject.

Mr. SPOONER. For that reason. The almost universal rule of the Senate has been to address no inquiries to the President of the United States without those words; I remember no exception, where the nature of the subject of inquiry was such as to make it perfectly apparent that the Senate or the House was entitled of right to all the information covered by it, the direction, not the request, has been made as an almost universal rule upon the appropriate Cabinet officer, instead of by resolution of inquiry addressed to the President.

I said there were some exceptions, and there are. Foreign relations constitute one exception; the movement or plan of campaign of the Army or the Navy in time of war constitutes another, because even a child would know that the Commander in Chief, under our Constitution, must have the discretion in order to insure the safety of the Republic and the success of our arms, to exercise discretion and to withhold, if his judgment so dictates, information which would endanger the public interest if it were given to the public. The Senator from Montana, with a logic the like of which I have never known him to indulge in before, seemed to think that there is no distinction, and can be none, between the information which the Senate or the House is entitled to have in relation to the Army in time of war and in time of peace.

It does not at all follow, Mr. President, because certain inquiries as to the Army must be in time of war addressed to the President, and he have discretion to withhold or to transmit information, that in time of peace, upon every imaginable subject connected with the administration of the Army, it is proper, or comports with the dignity of the Senate or of the other House as legislative bodies in all cases to address inquiries to the President, qualified as courtesy requires such inquiries to be.

Mr. CARTER. Now, Mr. President—

Mr. SPOONER. I want to get through.

Mr. CARTER. I wish to address the Senator a question at that point.

Mr. SPOONER. Very well.

Mr. CARTER. It is well known that we are expending very large sums of money on our coast defenses.

Mr. SPOONER. Certainly.

Mr. CARTER. I will ask the Senator if he thinks in time of peace it is proper for the legislative department of the Government to make public all the plans of defense that are being prepared in case of war by calling on the Secretary of War or the President to disclose such information?

Mr. SPOONER. The Senator gets back to my path—that is, that the question is to be resolved with reference to the subject-matter. I admitted it, and I admit it now. I must admit that there are numerous cases in which absolute direction upon one of the Departments or upon a Cabinet officer is subject of right, I mean, to a declination by order of the President to that officer to afford the information. But that argues nothing upon a subject like this or upon the subject generally embodied in the resolution of inquiry by the Senate and by the House. We could not call upon the Attorney-General to send to the Senate copies of papers which he has acquired through investigation to be used in the trial of a gang of counterfeiters or to be used in the trial of cases prosecuted under the antitrust law for the obvious reason, Mr. President, that it would lead possibly to the defeat of the Government's litigation. You can not put your side of the case into the hands of your opponent.

If an investigation has been made by the Treasury Department with reference to the apprehension of men who are smugglers, Congress could not expect the President to permit the information to be sent to the Senate or the House, and warning thereby be given to those whom the Government seeks to apprehend.

There are many such cases. Is this a case of that kind? Congress, Mr. President, fixes the size of the Army. The Army is the Army of the people of the United States. It is created by act of Congress. The rules for its government are entirely within the jurisdiction of Congress. The grounds upon which men may be discharged is within the constitutional capacity of the Congress. Whether any man can be discharged for offense without a trial is entirely within the constitutional competency of Congress. Whether the President shall be given the right to dismiss an officer at will without trial is for Congress to say. The Army is supported by moneys appropriated by Congress. The manner of the expenditure of those moneys Congress has a right to know. I do not make any doubt whatever, Mr. President, that it is within the constitutional right of the House or of the Senate either, acting in a legislative capacity upon this subject, to direct the Secretary of War to transmit to the Senate or to the House all information within his jurisdiction upon the subject of the discharge of the three colored companies.

Now, Mr. President, the foundations of the Union will not be shaken whichever of these resolutions is adopted, or if both be adopted. I am surprised that the Senator from Wyoming [Mr. WARREN] withdrew his resolution. They all three might have been adopted. The Senator from Pennsylvania thinks it improper that both should be adopted. He offered his resolution in the form which he employed addressed to the President—the form is proper if the resolution is to be addressed to the President at all—because the Senator thought it would not be within the proprieties, it having been the President's act, to address it to his subordinate, the Secretary of War.

I do not stop to discuss the question of propriety; but it is very proper, some Senators think, to pass both of the resolutions. The Senator from Massachusetts [Mr. LODGE] seems to think so; the Senator from Montana [Mr. CARTER] seems to think so.

There never has been, within my knowledge, a President who is more frank with both bodies of Congress than the present Executive. The objection is based upon principle and was made because I believe it is the dignified and proper course for both bodies to pursue as to subjects upon which the House or the Senate is entitled manifestly to the information to make a direction in the usual way upon the appropriate Cabinet officer.

I think it will look rather absurd—I shall not further object to it, Mr. President—to pass the resolution calling upon the President, if not incompatible with the public interests, for full information bearing upon the subject, and also to pass the resolution of the Senator from Ohio, directing the Secretary of War, who has probably received most of these papers from the President, to furnish all information upon the subject on file in the War Department. But that is a matter for the Senate to determine.

Mr. TELLER. Mr. President, I do not wish to prolong this debate, but the Senator from Wisconsin [Mr. SPOONER] seems to think that the resolution which I introduced some time ago must have been inadvertently introduced. I presume the files of this Senate will show a great many resolutions of mine of a similar kind. I want to say to the Senator, as a matter of history, that if he will take the trouble to go into the question of the right of the Senate and of the other House to call upon the Executive for information, he will find that in the early history of the country such requests went directly to the President. If he will take the pains to go back fifty years he will find that it was a common occurrence, and I will venture to say there has not been a President since the days of Washington who has not been called upon by the Senate and the other House for information.

During the exciting times immediately after the civil war, when Andrew Johnson was President of the United States, a great number of such resolutions from the House and the Senate were day after day directed to the President. Sometimes he furnished the information and sometimes he did not. If he did not furnish it, he would say that he did not think it was compatible with the public interests that he should do so. In such cases I believe he always courteously declined.

When we call upon the President for information, we request him; when we call upon the Secretary of War, we direct him. Suppose the Secretary of War fails to reply. Where is the power of the Senate to compel him? He is a subordinate of the President. He is the mouthpiece of the President in many ways. He becomes the mouthpiece of the President because of his special knowledge in regard to certain matters.

You call upon the man who is supposed to know most about the subject concerning which information is desired. If you want to know about public lands or about pensions, you call upon the Secretary of the Interior; but if you want to know about military affairs, you call upon the Secretary of War. There is, however, no way by which you can compel the Secretary of War to reply, unless by impeachment, and we can not institute such proceedings, for, under the Constitution, they must originate in the House of Representatives.

There is nothing unusual in the resolution of the Senator from Pennsylvania. As I said before, the resolution of the Senator from Ohio calls upon the Secretary of War for information that is not in the hands of the President, and therefore I prefer the form of his resolution. At the end of his resolution there is a request for an order issued to Major Penrose. Probably that order is not in the keeping of the President, but is in the keeping of the Secretary of War. It seems to me there is an unnecessary question of propriety raised here. I do not myself want to admit that when the Senate wants information it can not call upon the Executive for it. I do not care whether it is in one Department or another or whether it is solely under the control of the President. You may call upon him for information affecting matters of foreign diplomacy, but he is not obliged to answer; sometimes he would be derelict in duty if he did answer; but it must be fairly presumed that the Senate of the United States will never call upon the President for information which ought not to be given to the country. If he says "I do not consider it compatible with the public interests that I should give it," that is the end of the controversy.

Mr. WARREN. I want to ask the Senator a question before he takes his seat.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. Certainly.

Mr. WARREN. The Senator from Colorado has been a distinguished Cabinet officer, and I want to put this question to him: In the present case the President, by the Constitution, is clearly Commander in Chief of the Army—in other words, he is the highest officer of the Army. He bears a relation to the Army and Navy that he does not bear as to other Departments. It seems to me that information regarding this particular case lies not only with the Secretary of War, but undoubtedly with the Department of Justice as well. Therefore I want to ask the Senator from Colorado if, when we make an inquiry of the President, he will not, as a matter of course, call upon the different Departments for such information as he chooses to furnish, whereas if we call upon the Secretary of War alone, he furnishes only that which his Department has? If so, it seems to me in this case—while I am ready to vote for both resolutions—if we are to select one and vote for only one, it should be the one calling upon the President, first, because he has control over both of these Departments that may have evidence; second, he is the Commander in Chief of the Army and its highest authority, and, third, this action concerning the discharge of troops is the action of the President, in the absence from the city at the time of the Secretary of War, and therefore the President is the highest authority to appeal to and the man above all others who is able to furnish us the information we want.

Mr. TELLER. I think the Senator has answered his own question, and I think he is correct about it.

Mr. CULBERSON. Mr. President, on yesterday I offered an amendment to the resolution of the Senator from Ohio [Mr. FORAKER]; which he accepted. Since then that resolution has been detached in a parliamentary sense from the resolution of the Senator from Pennsylvania [Mr. PENROSE], and I do not know which one of these resolutions will be adopted by the Senate. Therefore, I beg to offer the same amendment to the resolution of the Senator from Pennsylvania which I offered yesterday to that of the Senator from Ohio, modified to suit an inquiry addressed to the President of the United States.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment to the resolution of the Senator from Pennsylvania [Mr. PENROSE]; which will be stated by the Secretary.

The SECRETARY. It is proposed to add after the last word of the resolution of Mr. PENROSE the following:

The President is also requested to send to the Senate a copy of the order issued to Maj. C. W. Penrose, Twenty-fifth United States Infantry, directing him not to deliver to the civil authorities of Texas certain men of his command charged with assault to murder and murder, at Brownsville, Tex., August 13, 1906, and referred to by Major Penrose in his letter of August 24, 1906, to Capt. W. J. McDonald, of the Texas rangers.

Mr. PENROSE. I accept the amendment of the Senator from Texas.

The VICE-PRESIDENT. The resolution will be so modified. The question is on agreeing to the resolution proposed by the Senator from Pennsylvania [Mr. PENROSE] as modified.

The resolution as modified was agreed to.

Mr. FORAKER. I understand that resolution No. 181 is also before the Senate.

The VICE-PRESIDENT. It is. The question is on agreeing to the resolution proposed by the Senator from Ohio [Mr. FORAKER].

The resolution was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

H. R. 8124. An act to amend section 5136 of the Revised Statutes of the United States, permitting national banking associations to make loans on farm lands as security, and limiting the amount of such loans;

H. R. 11273. An act to incorporate the National German-American Alliance; and

H. R. 14587. An act to authorize the Secretary of the Treasury to issue duplicate gold certificates in lieu of ones lost or destroyed.

GAMBLING IN THE TERRITORIES.

Mr. BURNHAM. Mr. President, I expect to be away from the city for a time, and I therefore ask unanimous consent for the present consideration of Order of Business No. 1264.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 10853) to prohibit gambling in the Territories.

Mr. TELLER. I should like to inquire what the Senator wants to do with the bill?

Mr. BURNHAM. I desire to have it considered. I will say that when it is taken up I will offer an amendment which, I understand, will remove all the objections which have been made to the bill. The amendment which I intend to propose will lessen the amount of the penalty and, I think, make the bill free from all objections.

Mr. TELLER. Does the Senator expect to put the bill on its passage this evening?

Mr. BURNHAM. It is a bill that has passed the other House in substance, and so I want it passed by the Senate.

Mr. TELLER. I do not know what the bill is, but I think it is an inopportune time to take it up with the expectation of passing it to-night.

Mr. BURNHAM. I want to say that it is a bill in harmony with the law in every State of the Union and in some of the Territories, and I think when the Senator reads it he will find no cause of objection.

Mr. BLACKBURN. Allow me to ask the Senator from New Hampshire if this is what is known as the "antigambling bill?"

Mr. BURNHAM. It is the antigambling bill.

Mr. BLACKBURN. I object to its being considered at this hour of the day, Mr. President.

The VICE-PRESIDENT. Objection being made, the bill will go over.

JAMESTOWN EXPOSITION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. DANIEL. I hope the Senator will allow me to offer morning business.

Mr. LODGE. I will temporarily withdraw the motion and yield to the Senator.

[Mr. DANIEL thereupon introduced two bills, which will be found under the appropriate heading.]

Mr. DANIEL. In connection with the second bill, I present a statement which I ask may be printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The statement referred to is as follows:

STATEMENT AS TO THE TERCENTENNIAL JAMESTOWN CELEBRATION.

At the time of the inauguration of the proposed tercentennial celebration it had the earnest indorsement of the President and many of our leading men who are familiar with American history who were in sympathy with the idea of celebrating in the unique manner proposed the greatest event in American history, second only to the discovery by Columbus. The idea was new to many in this country, and there was some doubt in the minds of some men in Congress, as well as in those outside, as to the magnitude which the celebration would assume.

The capital that was subscribed and the appropriations that were made were thought to be in keeping with the probable demands of the occasion. Since then, however, as the information has spread throughout the country and the proclamation of the President has been transmitted to foreign countries, there has been a general appreciation of the importance of the event and the great opportunity it presents not only for an historical celebration, a great naval and military gathering,

but also the opportunity for bringing together the representatives of the various States of the Union at the place of its birth for social intercourse and the exchange of courtesies, but also for the exhibition of the products of the various States and for a collective gathering of objects of historical interest.

ACCEPTANCE OF INVITATION BY MANY NATIONS.

About nearly all of the leading nations of the world have accepted this Government's invitation to be represented by their ships and detachments of their soldiers, prominent among which are the following: Great Britain, France, Germany, Spain, Italy, Japan, Russia, Belgium, Switzerland, Venezuela, Denmark, Sweden, and others.

PARTICIPATION OF THE STATES.

About twenty of the States have taken legislative action for the appointment of commissions for erection of State buildings and the exhibit of their products at the exposition and about ten more now have the matter under consideration, to be consummated in the sessions of their legislatures.

Among those who have provided for buildings at the exposition are the following:

Massachusetts building now in course of construction; Connecticut building is nearly completed, and also Rhode Island building; Vermont, which, it is believed, has never voted money for its participation at any exposition, has just appropriated \$10,000 for a building at the Jamestown Exposition. Maine has appointed a commission with authority to erect a building from funds to be subscribed by its citizens. Negotiations are now pending with New Hampshire, with good prospect of her participation, she being the only remaining one of the original thirteen States to fall into line.

Pennsylvania has erected a replica of Independence Hall, and it is now nearly ready for occupancy on the grounds.

New York has contracted for the erection of a very handsome building over 200 feet in length.

The New Jersey building, which is completed, is a reproduction of General Washington's headquarters at Morristown.

The governor of Delaware has visited the exposition grounds, selected a site, had prepared a plan for a building, and a strong movement has been inaugurated for the necessary appropriation from the legislature which is about to assemble.

The Maryland building is practically completed for use, and also those for Virginia, Missouri, Ohio, and South Dakota.

The Ohio building is a reproduction of "Adena," the home of the first governor.

North Carolina, South Carolina, Georgia, and Louisiana have all appointed commissioners and made necessary appropriations for buildings and exhibits.

Florida has appointed a commission to erect a building and prepare an exhibit which is to be paid for by private subscriptions, which are now being made.

In West Virginia, pending the assembling of the legislature, the governor has appointed a very able commission, who have selected a site and are now about to begin the erection of a building, the cost of which is guaranteed by ex-Senator Henry G. Davis, pending an appropriation from the legislature.

In Kentucky a popular subscription is being made for \$40,000 with which to reproduce the fort of Daniel Boone, and in it to make an exhibit of her resources.

The States of Oregon, Montana, and Washington have selected the site for a building, which it is expected the three States will unite in building for the exhibit of their resources.

Advices lately received from the governor of California indicate that his State will, when the legislature assembles in January, make suitable provision for representation.

Wisconsin and Michigan have appointed commissions with instructions to select sites and report the amount requisite for the representation of their respective States for consideration at the sessions of their legislature in January.

Several of the remaining States have the matter now under consideration and are expected to act at their January sessions, and several of those States which made appropriations in the early stages of preparations have bills prepared to increase their appropriations. Prominent among these are the States of Rhode Island, North Carolina, Illinois, and New York.

PARTICIPATION OF PATRIOTIC, FRATERNAL, AND OTHER ORGANIZATIONS.

Outside of the legislative action of the States there has been a widespread interest among the patriotic and fraternal organizations of the country, several of which have not only decided to hold their annual conventions at the exposition in 1907, but are erecting buildings on the grounds. The Daughters of the Revolution are among them. The Pocahontas Memorial Association and the Society of Virginia Antiquities are interesting themselves actively.

Among these also are the Travelers' Protective Association, composed of the traveling salesmen of this country; and one of the strongest and most progressive orders in the country, the Modern Woodmen of the World, an organization which has a membership in the United States of over half a million; the Eagles, a beneficial organization with a very large membership which assembles in its national annual convention with twenty to thirty thousand people.

Among the religious organizations which are to meet at the exposition next year one of the strongest numerically is the "Disciples of Christ," which organization has selected a site and has decided to build on the exposition grounds.

CONVENTIONS TO BE HELD AT THE EXPOSITION.

Between eighty and one hundred of these organizations have already in their national conventions this year adjourned to meet at the exposition in 1907.

YACHTS, BOATS, AND YACHT RACES—CUPS TENDERED BY THE KING OF ENGLAND, THE EMPEROR OF GERMANY, THE PRESIDENT OF THE UNITED STATES, AND SIR THOMAS LIPTON.

In the sporting world of Europe and America preparations are being made for the assembling in Hampton Roads of a great gathering of yachts and motor boats. I am informed that cups have been tendered for the yacht races by the King of England, the Emperor of Germany, the President of the United States, and by Sir Thomas Lipton.

AERONAUTICAL EXHIBITION BY THE JAMESTOWN CONGRESS OF AERONAUTS.

Exhibitions and competitions under the auspices of the Jamestown Congress of Aeronauts, of which Dr. Alexander Graham Bell, of Washington, is the president. The most prominent men in Europe and America are interested in the development of this organization and will be in attendance on this congress.

ATHLETIC GAMES.

The athletic associations of the country are also arranging a series of functions and great athletic games at the exposition, under the auspices of their national organizations.

INDUSTRIAL AND COMMERCIAL AND MUNICIPAL EXHIBITS.

Along industrial and commercial lines not only are a large number of the leading manufacturers of the country either erecting buildings of their own upon the exposition grounds or are arranging for space in the exposition buildings, already so much space having been provided for exhibits as was provided at the Buffalo Pan-American Exposition, but many of the prominent cities of the East, in their corporate capacity, are endeavoring to secure space for the collective exhibition of the manufactures of their several cities.

Among these are the cities of Philadelphia, Baltimore, Washington, Boston, Hartford, Milwaukee, Richmond, Roanoke, and Lynchburg.

In the State of Ohio a popular movement has been organized and funds are being subscribed for the erection of a building which will cost over \$100,000, in which will be exhibited alone the manufactured products of that State.

MILITARY ORGANIZATIONS.

Owing to the advices which the exposition company has received from various States indicating their intention to send their military organizations to participate in this tercentennial celebration, it has been ascertained that the land originally set apart for military purposes is insufficient, and it has been necessary to acquire additional territory.

ENLARGEMENT OF PLAN AND OF ACCOMMODATIONS NECESSARY.

The widespread interest which has been manifested in the United States, and which appears to be increasing as the celebration approaches, has made it necessary for those who are charged with the responsibility of the celebration to enlarge upon their original plans in order to afford the necessary accommodation to those who are applying for it and to creditably represent the nation in the celebration of her tercentennial anniversary.

This widespread interest also indicates the great concourse of people who are likely to assemble on the shores of Hampton Roads next year, assuring to the exposition a revenue beyond their original expectations. This concourse seems the more probable when it is realized that half the population of the United States is within twenty-four hours' ride of the city of Norfolk, and the transportation is afforded by a number of trunk-line railroads and coastwise steamship lines.

GREAT ATTENDANCE INDICATED AND TEMPORARY LOAN SECURED BY RECEIPTS AND INCOME.

To meet the demands upon them it has been found necessary by the exposition company to ask Congress at this time to make a loan of \$1,000,000, to be expended in the completion of the exposition, pledging for the return of the loan a portion of the gate receipts and income from concessions on the exposition grounds in the same manner as the Louisiana Purchase Exposition did in connection with the loan of \$4,600,000 made to it by this Government.

The great attendance which is now indicated at this exposition it is believed will indicate an income of something like \$4,000,000 from gate receipts and concessions. The exposition company is therefore believed to be safe in assuming the obligation of returning to this Government the \$1,000,000 asked for, and is willing that the Government provide the same safeguards for the repayment of this money as were provided at St. Louis.

EXECUTIVE SESSION.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. For what purpose?

Mr. BURKETT. I want to ask to have a bill passed.

Mr. LODGE. I think it is rather late to take up the Calendar. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened.

PRINTING OF ILLUSTRATIONS.

While the doors were closed the following order was made:

Ordered, That the illustrations accompanying the communication from the Secretary of the Interior, transmitting a report from the commissioner of the Interior for Porto Rico for the fiscal year ended June 30, 1906; the communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the commissioner of education for Porto Rico for the fiscal year ended June 30, 1906, and the memorial of N. E. Dawson, of Chicago, Ill., on the question of a reform in spelling, setting forth a plan for imparting aptitude in spelling by means of a simplified key to pronunciation applicable to all languages, and suggesting measures for extending a knowledge of it over the nation, presented yesterday, be printed with the documents.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned, the adjournment being until Monday, December 10, 1906, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 6, 1906.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Herbert G. Squiers, of New York, former envoy extraordinary and minister plenipotentiary to Cuba, to be envoy extraordinary and minister plenipotentiary of the United States to Panama.

CONSULS.

Albert W. Brickwood, jr., of Arizona, lately vice and deputy consul at Nogales, to be consul of class 8 at Puerto Cortes, Honduras.

George A. Bucklin, jr., of Oklahoma, to be consul of the United States of class 9 at Glauchau, Saxony.

James G. Carter, of Georgia, lately consul of class 9 at Sivas, to be consul of the United States of class 8 at Tamatave, Madagascar.

Julius D. Dreher, of South Carolina, to be consul of the United States of class 9 at Tahiti, Society Islands.

Ernest L. Harris, of Illinois, lately consul of class 6 at Chemnitz, to be consul of the United States of class 6 at Smyrna, Turkey.

Will L. Lowrie, of Illinois, to be consul of the United States of class 8 at Weimar, Germany.

Thomas H. Norton, of Ohio, lately consul of class 6 at Smyrna, to be consul of the United States of class 6 at Chemnitz, Saxony.

John H. Shirley, of Illinois, lately consul of class 9 at Sura, to be consul of the United States of class 9 at Charlottetown, Prince Edward Island.

SECRETARIES OF EMBASSY.

H. Percival Dodge, of Massachusetts, lately secretary of the embassy at Berlin, to be secretary of the embassy of the United States at Tokyo, Japan.

Spencer F. Eddy, of Illinois, lately secretary of the embassy at St. Petersburg, to be secretary of the embassy of the United States at Berlin, Germany.

George Post Wheeler, of Washington, to be second secretary of the embassy of the United States at Tokyo, Japan.

Basil Miles, of Pennsylvania, to be third secretary of the embassy of the United States at St. Petersburg, Russia.

Paxton Hibben, of Indiana, lately third secretary of the embassy at St. Petersburg, to be second secretary of the embassy at Mexico, Mexico.

SECRETARIES OF LEGATION.

Fred Morris Dearing, of Missouri, to be second secretary of the legation of the United States at Habana, Cuba.

William Helmke, of New York, lately second secretary of the embassy at Mexico, to be secretary of the legation of the United States at Bogota, Colombia.

Charles S. Wilson, of Maine, lately secretary of the legation to Greece and Montenegro and of the diplomatic agency in Bulgaria, to be secretary of the legation of the United States at Habana, Cuba.

M. Marshall Langhorne, of Virginia, former commercial agent at Dalny, to be secretary of the legation of the United States at Christiania, Norway.

COLLECTORS OF CUSTOMS.

Clark W. Carnahan, of Oregon, to be collector of customs for the district of Oregon, in the State of Oregon.

Dascar O. Newberry, of North Carolina, to be collector of customs for the district of Albemarle, in the State of North Carolina.

Jesse F. Warren, of Florida, to be collector of customs for the district of Apalachicola, in the State of Florida.

APPRAISER OF MERCHANDISE.

Winthrop T. Hodges, of Massachusetts, to be appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

Stanley Vincent Parker, of Ohio, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Joseph Tillotson Drake, of New York, to be third lieutenant in the Revenue-Cutter Service of the United States.

Lloyd Toulmin Chalker, of Connecticut, to be a third lieutenant in the Revenue-Cutter Service of the United States.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Daniel Jason Ainsworth to be a captain in the Revenue-Cutter Service of the United States, to rank as such from July 8, 1906.

First Lieut. James Henry Brown to be a captain in the Revenue-Cutter Service of the United States, to rank as such from July 10, 1906.

First Lieut. John Ernest Reinburg to be a captain in the Revenue-Cutter Service of the United States, to rank as such from September 15, 1906.

Second Lieut. Albert Henry Buhner to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 10, 1906.

Second Lieut. Charles William Cairnes to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 15, 1906.

Second Lieut. John Mel to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 8, 1906.

APPOINTMENTS IN PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Robert Alexander Herring, of Mississippi, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

William W. Miller, of Tennessee, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

French Simpson, of Texas, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Robert A. C. Wollenberg, of Michigan, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

POSTMASTERS.

ARKANSAS.

Tillie J. Bruce to be postmaster at Piggott, in the county of Clay and State of Arkansas.

Joel A. Harper to be postmaster at Rector, in the county of Clay and State of Arkansas.

COLORADO.

George A. Herrington to be postmaster at Montrose, in the county of Montrose and State of Colorado.

Mabel E. Strout to be postmaster at Ouray, in the county of Ouray and State of Colorado.

IDAHO.

William S. Brainard to be postmaster at Wardner, in the county of Shoshone and State of Idaho.

ILLINOIS.

Welby B. Carleton to be postmaster at Hinsdale, in the county of Dupage and State of Illinois.

Henry B. Harvey to be postmaster at Cissna Park, in the county of Iroquois and State of Illinois.

Frank Woolley to be postmaster at Saybrook, in the county of McLean and State of Illinois.

INDIANA.

Daniel Conaway to be postmaster at Cayuga, in the county of Vermillion and State of Indiana.

KENTUCKY.

Dood Adair to be postmaster at Hawesville, in the county of Hancock and State of Kentucky.

MAINE.

Mary E. Clark to be postmaster at Bingham, in the county of Somerset and State of Maine.

Mary E. Frye to be postmaster at Fryeburg, in the county of Oxford and State of Maine.

Harry R. Hichborn to be postmaster at Stockton Springs, in the county of Waldo and State of Maine.

Theophilus H. Sproul to be postmaster at Winterport, in the county of Waldo and State of Maine.

MARYLAND.

Alfred H. Hambleton to be postmaster at St. Michaels, in the county of Talbot and State of Maryland.

MASSACHUSETTS.

Andrew N. Maxon to be postmaster at Blackstone, in the county of Worcester and State of Massachusetts.

Simeon L. Smith to be postmaster at Orleans, in the county of Barnstable and State of Massachusetts.

MICHIGAN.

Oscar P. Carver to be postmaster at Traverse City, in the county of Grand Traverse and State of Michigan.

MINNESOTA.

Joseph H. Feeter to be postmaster at Bird Island, in the county of Renville and State of Minnesota.

N. Ellertson to be postmaster at Mount Iron, in the county of St. Louis and State of Minnesota.

MISSOURI.

U. S. Grant Evans to be postmaster at Farmington, in the county of St. Francois and State of Missouri.

MONTANA.

Max Jacobs to be postmaster at East Helena, in the county of Lewis and Clark and State of Montana.

NEW MEXICO.

Albert L. Breeding to be postmaster at Texico, in the county of Roosevelt and Territory of New Mexico.

RHODE ISLAND.

F. Edgar Crumb to be postmaster at Riverside, in the county of Providence and State of Rhode Island.

VIRGINIA.

Verlin M. Scott to be postmaster at Saltville, in the county of Smyth and State of Virginia.

WEST VIRGINIA.

William H. Lautz to be postmaster at Pennsboro, in the county of Ritchie and State of West Virginia.

WISCONSIN.

John J. O'Connell to be postmaster at Marinette, in the county of Marinette and State of Wisconsin.

WYOMING.

Henry D. Ashley to be postmaster at Encampment, in the county of Carbon and State of Wyoming.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 6, 1906.

The House met at 12 o'clock noon.

Prayer by the Chaplain, HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE APPOINTMENTS.

The SPEAKER announced the following committee appointments:

Mr. GILHAMS, to the Committee on Revision of the Laws and to the Committee on Industrial Arts and Expositions.

Mr. COLE, to the Committee on Agriculture.

Mr. BANNON, to the Committee on the Judiciary.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the next committee. The Committee on the Merchant Marine and Fisheries was called.

COASTWISE PILOTAGE.

Mr. LITTLEFIELD. Mr. Speaker, by direction of the Committee on the Merchant Marine and Fisheries, I call up the bill (H. R. 5281) to remove discriminations against American sailing vessels in the coastwise trade.

The SPEAKER. The gentleman from Maine [Mr. LITTLEFIELD], on behalf of the Committee on the Merchant Marine and Fisheries, calls up the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 4442 of the Revised Statutes be, and is hereby, amended by adding thereto the following: "Whenever the master or mate of a sailing vessel of the United States employed in the coastwise trade claiming to be a skillful pilot offers himself for a license, the inspectors shall make diligent inquiry as to his character and merits, and if satisfied from personal examination of the applicant, with the proof that he offers, that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall grant him a license for the term of five years to pilot any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of negligence, unskillfulness, inattention to the duties of his station, intemperance, or the willful violation of any of the provisions of this title."

SEC. 2. That section 4444 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4444. No State or municipal government shall impose upon pilots of vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by this title; nor shall any pilot charges be levied by any such authority upon any vessel piloted as provided by this title, nor upon any vessel of the United States employed in the coastwise trade being towed into or out of any port of the United States by a vessel under command of a pilot licensed for such port under the laws of the United States, and in no case shall the fees charged for the pilotage of any vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in this title shall be construed to annul or affect any regulations established by the laws of any State requiring vessels entering or leaving a port in any such State other than coastwise vessels to take a pilot duly licensed or authorized by the laws of such State or of a State situate upon the waters of such State."

SEC. 3. That section 4237 be, and is hereby, amended to read as follows:

"SEC. 4237. No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or any discrimination against vessels propelled in whole or in part by machinery or sail, or against national vessels of the United States; and all existing regulations or provisions making any such discrimination are annulled and abrogated."

SEC. 4. That this act shall take effect six months after its passage.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent that we may be allowed two hours on a side for debate, the time on the other side to be controlled by the gentleman from Kentucky [Mr. SHERLEY] and the time on this side to be controlled by myself.

The SPEAKER. The gentleman from Maine asks unanimous consent that debate upon this bill to close in four hours, two hours to be controlled by himself and two hours by the gentleman from Kentucky [Mr. SHERLEY]. Is there objection?

There was no objection.

Mr. LITTLEFIELD. Mr. Speaker, I yield fifteen minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, it is not my intention to attempt to discuss the details of this bill. I shall leave that for those who follow after me; but I do wish to call the attention of the House to a few of the main features of this bill.

Let it be understood at the beginning that this bill does not intend to abolish pilotage where there is any necessity of having a pilot. The very name of the present system, "compulsory pilotage," is repugnant to the American conscience, and it means what the term implies in its fullest and worst form. It means that ships must and do pay pilots for services they do not want and for services that the pilots do not perform. It means that one man owns a business and another is given the privilege of levying a tribute upon it without giving anything in return.

The object of this bill is to prevent such tribute from being laid upon American sailing vessels; to prevent these vessels from being compelled to pay large sums of money for which they receive nothing in return; to relieve these vessels from the unjust burden of paying pilots whose services are not needed and not given; to allow these sailing vessels in time of storm to enter American ports in order to save life and property without being compelled to pay this unjust tribute.

Some most astonishing facts were presented before the committee, and not disputed, as to the workings of this system. A sailing ship enters one of these ports, no pilot is needed, none is used, but unless these vessels pay a pilotage they are libeled and held. The safety of the vessel and the protection of property does not enter into the calculation. The only thing necessary is to pay the pilotage. A vessel comes into one of these ports towed by a tug, the owner of which is liable for damages if any injury is sustained by the vessel, yet that vessel must pay for a pilot. True, such pilot is a mere fiction. He is never seen and he renders no service, but he must be paid. To require a pilot on a sail vessel that is towed into port is just as much needed and fully as idiotic as it would be to require an additional engineer on each one of the coaches of a passenger train.

To demonstrate the absolute iniquity of this system, let me relate a few undisputed facts. In some of the States where this system prevails a license is issued to a vessel; then this vessel can sail in and out of the ports covered without pilots. By this act of the legislature the ports are rendered absolutely safe. The dangerous bars are removed. By this act of the legislature a captain of such vessel is immediately endowed with a knowledge of all the dangerous shoals and tides and channels about which so much eloquence and oratory has been wasted. By this act of the legislature the waters are calmed, the storms abated, the winds die, all danger to life and property is dispelled. Talk about an act of God! The Deity would not dare to enter into competition with the legislatures of these States. Does any man want any further evidence to absolutely demonstrate to him that there is no necessity for compulsory pilotage in these ports?

Take one more illustration of the workings of this system: For eighteen years sail vessels have gone in and out of the harbor of Norfolk, and in all that time no pilot has been aboard any one of them, yet they have all paid pilotage. Last year these sail vessels entering this port paid more than \$60,000 pilotage. This loot was divided among the pilots of that port, yet not a single pilot performed any service and not a pilot was on board of any of these ships; yet these pilots, for absolutely no service, receive about \$10,000 each per year, and all the labor they perform is to collect this legalized blackmail and divide the spoils between them. Nowhere under the flag to-day is there another system as unjust, as vicious, as unjustifiable as this remnant of piracy, known as the compulsory pilotage law. Not only do they levy this tribute, but American vessels seem to be the especial prey of these pilots. It is shown by the evidence introduced before our committee—

Mr. YOUNG. Will the gentleman tell us where these pilotage fees go?

Mr. HUMPHREY of Washington. They go to the pilots. If gentlemen will excuse me, I do not wish to be interrupted until I get through with the discussion, and then I am willing to answer any questions. These pilots are not even just in their iniquity. It was shown by the evidence introduced before our committee, and shown by the receipts signed by the pilots themselves, that they charge an American vessel in the same port three times as much as they charge a vessel flying a foreign flag. What position are these men in to come here appealing to this Government to protect them, when their patriotism is measured solely by dollars?

Another fact I wish to call to the attention of the House is that the pilot charges in these ports are the highest in the world. In these ports the pilot charges are four times what they are in Cuba and five times what they are in Canada. According to the testimony before our committee—

Mr. FOSS. Who fixes the pilotage charges?

Mr. HUMPHREY of Washington. They are fixed by the pilots themselves, and they change them.

Mr. SHERLEY. Will the gentleman from Washington yield? I know he does not desire to allow that statement to go in the RECORD. Is it not a fact that they are fixed by the State law in their respective States?

Mr. HUMPHREY of Washington. That same question arose in regard to the port at Tampa, and when the question was asked how they were fixed, it was not answered, and we have not been able to ascertain; but this fact is shown, by the receipts of the pilots themselves, that they charge American vessels three times what they charge a foreign vessel, and that fact has not been explained or denied. If the States fix the charges, how do they make this discrimination, and if the State fixes the charges, how are they able to charge a foreign vessel less than they charge an American vessel?

Mr. FOSS. Is the charge for the same service? Do they charge the American vessels three times as much as the foreign vessels for the same service?

Mr. HUMPHREY of Washington. For the same service, in the same ports, for the same character of vessel, they charge the American three times as much as they charge the foreign vessel. And, as I have stated, that fact remains unanswered and unexplained; although they promised to explain it, they have never done so.

About 130 men, according to the evidence, are affected by this bill, and their representatives, or those who pretend to represent them, come before us and say that this bill, if passed, will take away the income of these men. They do not claim that it will take away their employment, for no man contends that they have any employment to be taken away or that they give any service in return for the compensation they receive.

Mr. MADDEN. Does the gentleman wish to be understood that these pilots are licensed to perform duties never performed?

Mr. HUMPHREY of Washington. Yes, sir; I do. They perform no duty whatever on many of the sail vessels. There has not been one on a sail vessel in the port of Norfolk for eighteen years; and yet every vessel has paid heavy pilotage fees. I mean exactly this, that these pilots are paid for duties they do not perform. So if you pass the bill, while you may take away the income of these men, you do not take away their employment. You might just as well stand here and ask this body not to pass a bill prohibiting highway robbery because it might take away the employment of certain estimable gentlemen.

In the olden times they used to issue licenses—indulgences—to highwaymen, and I have no doubt that when the time came to take that privilege away those highwaymen made the point that to do so would rob them of their income, and they might do it with almost as much justification as is done in this case, when these pilots come and ask us not to take away this right because it will destroy their income.

Certainly nothing more is wanted to demonstrate that the existence of this system is absolutely indefensible. But let me ask you to remember, in addition to the facts already given, that in the port of Norfolk, where for eighteen years no pilot has been aboard of any sail vessel that has gone in and out, and yet no accident has occurred due to their absence. Of all the many vessels that have gone in and out of these ports without pilots in accordance with the privilege given by State licenses, not one of these has suffered from their absence. Of all the vessels that have gone in and out of these ports without pilots, rather than wait for them or be bothered and annoyed by them, no accident has happened because of their absence.

Let it be remembered that of all the thousands of sail vessels that have gone in and out of these ports for years, that have paid for pilots that they did not use, that no necessity has been shown for their services, and that by running without them not one ship has been lost, not one ship has been damaged, not one dollar's worth of property destroyed, not one life lost. You tell me that with that record there is any excuse for the continuance of compulsory pilotage in these ports? If vessels for years sail in and out of these ports without pilots, and in all that time not a vessel is wrecked, not an accident occurs, not a dollar's worth of property destroyed, not a life endangered, will some one please stand up and tell me how much safer or better or what advantage it would be to commerce or to human life to have had these pilots. How any man can look these facts in the face and then defend this proposition on any ground of necessity or justice without blushing surpasses my comprehension.

I am well aware of the ground of defense that is made for this system. Again the ghost of States rights walks, sheeted.

and grinning—filling with fear a few timid souls. It is urged that as these States want it, regardless of its merit, it should be retained. Unfortunately this tribute is mostly, if not entirely, levied upon vessels owned by men that do not live in the States that permit the system. That this is a subject with which the General Government has full power to deal none will deny. Then shall we permit this outrage simply because the States cry out to be let alone?

The argument is advanced that the local government understands the situation better than we understand it. That they can deal with it better. That they should not be interfered with. This is the argument that every tyrannical government on earth has always advanced as an excuse for oppression and outrages on the weak and the helpless. This was the argument that was advanced in favor of slavery in this country for more than half a century. This is the argument that England advanced as a defense for the nameless outrages permitted upon the wretched people of Ireland. This is the defense made by Russia for her bloody murder of the helpless Jews. This is the defense made by Turkey for her slaughter of the Christians. This is the defense that Spain gives for her cruelties and atrocities that shocked and startled the civilized world in Cuba. When the United States pointed to the awful evidence, the whitening skeletons, the grinning skulls of 200,000 noncombatants, mostly women and children, that had suffered the awful death of slow starvation, Spain replied: "You do not know the situation as we know it. Leave the situation for us to solve. We can take care of it better than you. All we ask is to be let alone." So these States, when we point to the thousands of unearned money and the large salaries of men who do nothing; to the fact that vessels can go in and out without pilots if they will but pay this graft; to the written licenses proving that the system is unnecessary and can not be justified; to the discrimination against American vessels in favor of foreign vessels. When we point to these infamies, they do not attempt to justify them, but they give the excuse that is always given for an inexcusable outrage: They say you do not understand the situation. "We can best tend to our own affairs. Let us alone." This is the only real reason for the opposition to this bill.

Mr. Speaker, as the States have not dealt with it, as they have refused to do their duty, then I ask, Is that any excuse why we should not do ours?

Now, if there are any gentlemen who wish to ask any questions I shall be glad to answer them.

Mr. CRUMPACKER. Mr. Speaker, I would like some information in regard to the bill. It seems to me to be an attempt on the part of the Federal Government to regulate in part only the pilotage service. Would it not be better for the Government to take charge of the entire service? This bill simply applies to sailing vessels, and only those who are fortunate enough to have masters or mates who may pass the examination may escape these onerous burdens of which the gentleman has been informing the House. The bill has no application to foreign boats at all. Ought not the whole matter to be left to the States, or ought not the Federal Government to take charge of the whole business? That is a query in my mind, and it seems to me quite a serious objection to the bill under consideration. It provides for part Federal regulation and part local regulation. It seems to me it is unbusinesslike on that account.

Mr. HUMPHREY of Washington. This bill provides for abolishing compulsory pilotage upon American sailing vessels in certain of these ports, and these are the only ports in the United States where it has not been abolished. That is the reason why it is local.

Mr. MANN. But I do not find any ports named in the bill.

Mr. HUMPHREY of Washington. Well, it affects only a few ports.

Mr. MANN. There are no ports named in the bill. This bill is general and applies only to sailing vessels in the coastwise trade.

Mr. HUMPHREY of Washington. The ports I have mentioned are the only ports affected.

Mr. MANN. Does the gentleman think foreign vessels should be compelled still to pay these unjust and burdensome charges?

Mr. HUMPHREY of Washington. I am not concerning myself about foreign vessels at this time. It will be time enough when we take care of American vessels to care for the foreign vessels. As far as I am concerned, I would like to see the burden made heavier on the foreign vessels until it would give the American vessels an equal opportunity to do the business of this country. [Applause.]

Mr. MANN. That is a selfish motive on the part of the gentleman.

Mr. HUMPHREY of Washington. Yes; I am always selfish in favor of American vessels.

Mr. MANN. Representing the coastwise districts. There are some Members of the House who do not live on either the Atlantic or the Pacific coast.

Mr. HUMPHREY of Washington. Yes; and there are some Members who do not seem to realize that there is a Pacific or an Atlantic coast.

Mr. MANN. And there are some who do not seem to realize the Atlantic and the Pacific coasts are not the whole thing. That is something which it is difficult to make the gentlemen who live on the coast realize. [Applause and laughter.]

Mr. HUMPHREY of Washington. Yes; and some gentlemen do not seem to know there is any coast or any interest when it comes to any legislation that does not directly affect the cornfields. [Laughter.]

The SPEAKER. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Speaker, I hope that when I shall have used ten minutes' time I shall be notified. Gentlemen, there is an old saying that is very true, that "hard cases make bad laws," and if we needed an illustration of that saying we would have it in this proposed legislation. There is also a difference between facts and declamation, and there is a difference between selfishness for American interests and selfishness for certain American interests. Now, this bill proposes to abolish State pilotage. The gentleman from Washington began his statement by saying that it did not propose to do that. Technically he is right. There is nothing in the bill that says the States may not maintain a system of pilotage, but taking away the compensation that the pilot earns will effectively destroy the State-pilotage system, and the gentlemen who are favoring this bill know that to be a fact. Now, the present law has been the law of America from the beginning of the country. It has always been considered, frequently stated by the Supreme Court, that pilotage was a matter peculiarly within the knowledge and care of the States; that they themselves could best determine what the needs were at their particular harbors and localities, and so long as the national law remained silent that it was perfectly proper for the States to institute pilotage systems. They have instituted those systems, and under the laws passed by the State legislatures they have fixed the compensation, have regulated the duties of pilots, and have made it compulsory upon them that in fair weather and foul they should be outside the bar prepared to meet any vessel and give it succor. The Northern States had this pilotage system, and continued it until recent years. After a while they found that their income from pilotage on foreign vessels was more than sufficient to maintain their pilotage system, and then they abolished the system so far as it related to coastwise vessels. Now, that exercise of judgment on their part, which they did exercise freely, they want to deny to the Southern States, where foreign commerce has not grown to such an amount as to support the pilotage system.

They want to say to the Southern States, "You must now do away with charging pilotage on coastwise vessels and permit us to come into your harbor free, although we charged it as long as the exigencies of the case made it necessary and only abolished it when our foreign commerce was sufficient to enable us to get along without it." Now, it is manifest that it is to the interest of every State to reduce its pilotage charges as much as possible. There is no place hurt quite so much and no people hurt quite so much as the place and the residents thereof where pilotage laws are enforced. If Virginia or South Carolina or Florida have unfair pilotage laws they suffer more than any other people. Any handicap upon the freedom of commerce coming into and going out of their ports affects them of necessity more than it can affect anybody else. Now, we have a peculiar illustration of greed in this case. The advocates of this bill, after having got, at their own request, concessions made in favor of certain classes of vessels and in favor of a license system instead of pilotage fees, have the effrontery to come in upon this floor and urge that the concession that was granted at their own request shall be made the ground of repealing the law in favor of pilotage systems in the South. If there is anything wrong in the license system, if there is anything wrong in the system which exempts these vessels, the proper and fair programme would be to bring a bill in here doing away with that and putting them back under the system that they were originally under and which was only changed at their own instance and request. The gentleman speaks of Norfolk, Va., and tells us that sail vessels have been coming in there for eighteen years without carrying a pilot, but he does not tell you that it was the result of their own request and own instance that they, rather than pay pilotage charges, were

willing to take the risk to life and property and pay a general license fee; so that to accommodate them, they being willing to assume these risks under this license system, the concession was granted, and now gentlemen come and urge upon us that fact as a reason why we should abolish the whole system. Now, there is also a distinction that will occur to any fair-minded man between a sailing vessel and a steam vessel. There are times when all vessels need pilots, but the times are very much greater in regard to sailing vessels than in regard to steam vessels.

The steam vessel is always subject to control and can follow the channel easily. It can be navigated with a skill and directness impossible with a sailing vessel. A sailing vessel is subject to the winds and currents in a way the steam vessel is not, and it is infinitely more important that a sailing vessel should have a pilot to bring it into a narrow, changing harbor than a steam vessel. These harbors change from week to week and month to month. Any man at all familiar with either the facts or the evidence produced before the committee knows that that is of necessity true, and yet they propose to license pilots by the Federal navigation officers who have no particular knowledge and could not have of the various ports of America; and they seem to think that a man who is a pilot in the sense of being able to navigate a vessel on the high seas will be a pilot in the sense of being able to come into any particular harbor. There has always been a recognition of the distinction between these classes of pilots, between those who are necessary because of their knowledge of a particular locality and those who have simply the knowledge that is necessary to navigate a vessel.

Mr. RUSSELL. Will the gentleman permit a question?

Mr. SHERLEY. Certainly.

Mr. RUSSELL. The statement was made just a few moments ago that in these pilotage charges American vessels are often charged three times as much as foreign vessels. What is the information of the gentleman from Kentucky in regard to that?

Mr. SHERLEY. So far as I know—and I speak from memory of a year ago, not having opportunity to refresh it—there was but one case brought to the attention of the committee, and that the matter was immediately taken hold of by the National Pilots' Association. But my answer to the gentleman about that is this, that he can not come here and ask us because of a hardship in a particular case to make a law that will abolish pilotage in all other cases. The gentleman can not contend with any show of knowledge of the fact that that is an existing condition all over the South. Every State has absolute control over its pilotage system. Every State can and will abolish the pilotage system when it is to the interest of the State and to the interest of life and property that it be done. The movement is already beginning in the South. There are certain ports in the South that have abolished it—ports where they are finding their foreign trade sufficient to maintain pilotage without the requirement of fees from coastwise vessels. Just as in the North the pilotage system was changed gradually by State after State accordingly as the facts justified it, so will it be done in the South.

But now we are asked not to give them the opportunity to change when the facts warrant it, but to force them to dispense with it now. How will it affect those States? Most of their commerce grows out of vessels engaged in coastwise trade. The amount of pilotage that they could obtain from foreign commerce would not be sufficient to maintain the pilots. The advocates of the bill are willing under this act to keep in effect all of the State laws that require compulsory action on the part of the pilots. They are willing to have the State say to the pilot: "You must go out and succor any vessel, no matter what the condition of the weather, and if you do not do it you shall be fined." They are willing to have all the burdens imposed upon the pilots, but they are not willing that they should have any compensation. They tell you that because they can usually go into ports without a pilot, that therefore the pilotage system should be abolished. The same reasoning would abolish the fire system in every city in the land, because you do not have fires all the time. You have got the pilotage system there ready day and night in good season and bad to take charge of those ships, where having a pilot means the safety of life and the safety of property. Many a vessel now, looking to greed rather than safety, stays outside and endures the weather or storm rather than pay a reasonable pilotage fee. No man believes more than I do in freedom of trade. No man believes more than I do in doing away with all restrictions to trade. I have had a quarrel with a good many gentlemen on that side of the House on the proposition ever since I have been here, but the sort of charge that is necessary for the protection of life and the protection of property is an entirely different charge from one that may be put on trade for the benefit of a special class. Pilotage

fees belong to this first kind of charge upon commerce. It is only a handicap in the sense that all of us are handicapped by taxation for protection against fire. Here the whole system must be taxed for the sake of protection against the loss of life and the loss of cargo. The facts will show that there have been in those States where they have done away with the compulsory pilotage a very much larger number of shipwrecks and a greater loss of cargo and life than there have been in the Southern States where the pilotage system is in vogue. The facts themselves justify the retention of these systems.

Mr. Speaker, how much time have I consumed?

The SPEAKER. The ten minutes are up.

Mr. SHERLEY. Then I reserve the balance of my time.

Mr. LITTLEFIELD. Mr. Speaker, I yield fifteen minutes to the gentleman from Wisconsin [Mr. MINOR].

Mr. MINOR. Mr. Speaker, I believe the first bill that I took any special interest in when coming to this House in 1895 was a bill identical in its provisions with the one now before us. I was then assigned to the Committee on Merchant Marine and Fisheries, and we considered that bill thoroughly, having it before us perhaps a month, with frequent meetings. I took the other side of this question at that time, and joined in a minority report from that committee, believing, as I did then and as I now know, that the time had not quite come when we might safely enact this legislation. The time to which I refer was the first session of the Fifty-fourth Congress. Then, as I say, I joined the minority in opposing this legislation.

My reasons for it at that time have now vanished. We then found that the Navy Department were opposed to the legislation because of the incompleteness of the harbors in those South Atlantic States. We found the War Department, through the Engineer Corps, were opposed to the legislation because of the incompleteness of the harbors. We found every marine insurance company opposing the bill because they believed it was not to their interest to have pilotage abolished, thereby increasing the danger that would come to the floating property that visited these ports. We found those engaged in the manufacture of lumber and the shipping of lumber and other products of the South were opposed to it, and assigned the same reason—the incompleteness of the harbors of the South.

To-day, and for four years last past, these reasons have not been urged. None of these interests have appeared to oppose this legislation. On the contrary, the demand for the passage of this legislation is not alone from the North Atlantic coast to-day, but from the South as well. It comes from the insurance companies, it comes from the shippers, and it comes from everyone interested in the maritime welfare of our coastwise trade. I believe that after expending \$56,000,000, as we have done in these southern harbors, to make them deeper and more commodious, the time has come to abolish compulsory pilotage on sailing vessels. If it has not come, then, in the name of common sense, how many more million dollars must we pour into those southern ports in order to make their harbors sufficiently commodious and safe, with depth of water sure and permanent enough to dispense with local pilots that are now employed in these southern ports?

Mr. SHERLEY. Will the gentleman allow me to ask him a question?

Mr. MINOR. If the gentleman will make it short.

Mr. SHERLEY. I would like to ask the gentleman this question: In Georgia, where there has been a deepening of the harbor to twice the depth which it originally had, the bar outside has lengthened greatly and makes the pilotage much more a necessity than before.

Mr. MINOR. In reply to the gentleman, I desire to say that during the last session of this body, when the matter was before our committee, we sent over to the Coast and Geodetic Survey and brought a chart into the committee room, and there was not a man, I do not care whether he was from the North or the South, that could show a change in bars for the last four years. The bars that they are talking about down there are entire myths. It is a bar which has gradually slipped off into deep water. The fact is that the bars have all gone ashore, so that the bars down there are on the dry land, and not in the water. [Laughter.]

Now, how does this bar pilotage system work? You take the State of Virginia as a sample, and this illustrates what I am now about to exploit and will explain the whole thing so far as the necessity for bar pilotage in that State is concerned. A captain can go into the port of Norfolk and for 10 cents on the measured tonnage of his vessel he can buy the right to navigate all the ports in the State of Virginia for one year. It does not matter whether there is a woman or boy in charge of the vessel or no one in charge of the vessel, because the question of competency is not raised. It is not required that any qualification

shall be shown before he can get the right to navigate all the ports in the State of Virginia. If he pays in advance 10 cents a ton, he gets a license. That proves conclusively that a pilot is not a necessity. Furthermore, it is proof positive that the harbors are deep and commodious, and that this bill should pass.

Take another illustration. Two vessels come through the Capes, both bound up the Potomac River. They have been spoken by the pilot outside of the Capes. One of them is bound for Alexandria, 7 miles below here, and the other for the city of Washington. The vessel that is bound for the city of Washington pays no pilotage, but the vessel dropped off at Alexandria has got to pay her regular pilotage or a pilotage license of 10 cents a ton for the entire year, though no bar pilot has been on board of her. Is there any sense in it?

Now, it will be told us that this bill will endanger human life. I suggest for your information that these sailing vessels do not carry passengers. They have crews numbering from 8 to 10 men. The steam vessel, that does not have to submit to compulsory pilotage, carries the human freight.

A steam vessel may come into one of those southern ports, carrying 200 passengers and a cargo valued at half a million dollars and drawing 20 feet of water, without a pilot. You transfer that same captain that brought her in, whose competency is unquestioned, whose skill is undoubted, to a sail vessel drawing just half the number of feet, namely, 10, and he has got to pay a pilot. Is there any sense in it? And where is the necessity to continue this thing?

Then again they have tugs down there in those southern ports, strong, powerful, abundantly able to take care of all the shipping that comes, and unless a vessel has a leading wind—that is, a fair wind, she will remain outside until the tug comes and gets her, and when that tug puts a line on that vessel it is the duty of the captain of the vessel to obey the orders of the captain of the tug, because he is licensed by the United States, he is competent to handle his own boat as well as the vessel he has in tow, and if that vessel disobeys his orders, namely, to follow the tug or to port or starboard the helm as the command may be from him, he assumes all liability and releases the tug from any obligation. The tug, if she is large and powerful, draws as much water as the vessel does when she is loaded, so that the vessel may safely follow where the tug leads. The result is that no vessel leaves a southern port without one of these tugs taking her outside, and the charge of those tugs, that cost from fifty to a hundred thousand dollars apiece, with twelve men in the crew, is often and often only one-third of the charge of the fellow who goes aboard as a bar pilot and toasts his shins in the cook's galley of the vessel. That is a fact.

Now, there is not one vessel in ten visiting the southern ports but what her captain is competent to pilot his vessel into harbor, and therefore he needs no pilot, and he takes no pilot. But if he has been spoken outside by a pilot the pilot walks to the dock and collects the bill. Has the Congress of the United States ever heard of anything so infamous? I pronounce it today pure and simple graft, and I told the president of the Bar Pilots' Association four years ago that never again could I oppose this legislation. I said, "The time has passed when there is necessity for your organization to exist;" and he told me himself that he did not blame me or any Congressman for taking that position. He recognized the truth and force of what I said. He is as fair and square a man as ever lived. He is here working for himself and for those he represents, and he is doing it honorably and fairly, but that does not make it right. If you are going to enact legislation for the preservation of life, then you should include the steam vessels and compel them to pay a bar pilot the same as you do your sailing vessel, but you dare not do that, though the steam vessels are the ones that carry the human freight.

A noted labor leader came before our committee and said that he opposed this bill on the ground that it endangered human life. There is nothing in that argument. It falls of its own weight, because, as you know, the steamer carries the passengers and not the sail vessel.

Now, how does it work as regards freight charges? The steamer was exempted from this pilotage charge in 1871. The great shipment from the southern ports is lumber. Steamers carry from one-fourth to one-third of all the lumber manufactured and exported from those ports. They pay no pilotage, but the sail vessels competing with them do pay the pilotage every trip they make, and the steamer makes the freight on lumber, and the sail vessel has got to come to it or go out of those ports empty. If she comes to their terms and loads, she must pay the pilot. Ah, gentlemen, that is an infamy. Is this General Government going to continue to pour its millions of dollars into the improvement of the harbors of those Southern States and compel sailing vessels to pay tribute to local pilots? I say

to you now, from observation, I know that those ports are perfectly safe. I know that they have a sufficient depth of water. I know there is no necessity for this organization to exist any longer, when their only mission is to compel vessels to pay them whether they employ the pilots or not. I say that time has gone by. I call the attention of the River and Harbor Committee to the fact that if, after the expenditure of all this money, more than fifty millions, you have not perfected those harbors so as to dispense with the necessity for these men you had better let go and compel them to take care of themselves—let them keep up their own harbors and light their coasts and keep their system of bar pilotage to themselves if they desire to do so.

Now, I do not know that there is very much more to say in this matter. I know that vessels have gone into those southern ports and traded there during an entire year (and they did not make many trips, by the way), but their pilotage bills in some cases amounted to \$459, and the net earnings left to the owner of the vessel at the end of the season were only \$350. I know vessels that have gone down there and paid \$200 for tug service for a year and paid the bar pilot four and five hundred dollars a year. And what did he do? Two-thirds of the time he was not aboard the vessel at all, but at home; he simply had spoken to the captain outside, and the captain, who was thoroughly competent, refused his services and had taken the vessel in. Will you perpetuate such a system as that, you gentlemen who ought to be interested in the southern ports? If you are bound and determined to do it, and I were a member of the River and Harbor Committee, I would cut down your appropriations accordingly. [Applause.]

Mr. FOSS. I understood the gentleman to state that he found a year ago that the War Department and the Navy Department were unfavorable to this legislation.

Mr. MINOR. Oh, that was way back in 1896.

Mr. FOSS. Does the gentleman know how they feel about it now?

Mr. MINOR. I have seen reports of commanders of battle ships saying that they have gone into these ports and have found them of ample depth and capacity, large enough to hold the entire Navy, and that there was no need of any bar pilots. Formerly they did require a pilot in the early days, when the channels were crooked and tortuous and the shoals were constantly shifting. At that time there had been no improvements outside, and every norther that came shifted the bars. They needed a pilot in those days. In 1896 the Navy Department was against this bill, and so was I.

Mr. GRONNA. Mr. Speaker, I want to ask a question for information. Is it true that American vessels have been discriminated against?

Mr. MINOR. That was the testimony before the committee, and not disputed.

Mr. SHERLEY. Mr. Speaker, before I yield time to another gentleman, as I shall in a moment, I will say in answer to the question just asked by the gentleman from North Dakota, that the Supreme Court of the United States has on two occasions, to my knowledge, and I think more, expressly held invalid and unconstitutional laws that undertook to discriminate between vessels of one State and those of another; and it is as absolutely impossible to pass that sort of a law as it is to legislate a tax on imports from one State to another. Mr. Speaker, I now yield ten minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. LITTLEFIELD. If the gentleman will excuse me, I will say that while the law is as stated by the gentleman from Kentucky, the evidence before the committee, uncontradicted, was that there were gross abuses in the line of discrimination against American vessels under this compulsory pilotage system.

Mr. SPARKMAN. The gentleman does not mean to say that that discrimination is in the State laws?

Mr. LITTLEFIELD. The evidence before the committee was uncontradicted that there were gross discriminations against American coastwise vessels under this compulsory pilotage system. I could read now the statement of the president of the association, in which he himself admits that he made a contract discriminating against coastwise vessels under this legislation, although it might be unlawful.

Mr. SHERLEY. The gentleman knows that there are violations of all sorts of laws and that the commission of a crime does not justify a change of law. Mr. Speaker, I again yield ten minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, it has been stated by the distinguished gentleman from Wisconsin [Mr. MINOR] that a demand has been made by owners and masters and insurance companies for legislation seeking to abolish compulsory pilotage. No one says that there is any demand being made for this legislation by the people of the United States who believe in the

protection of life and property. There ought not, from a humanitarian standpoint, it seems to me, to be any legislation enacted which would allow, if you please, any master of any vessel to enter into a port without a pilot. It is unfair to assume that the master of a vessel going into a foreign channel, knowing nothing whatever about the currents of the channel or its course, can safely pilot that vessel to its destination.

Mr. HUMPHREY of Washington. Is the gentleman aware of the fact that thousands of vessels do go in and out without a pilot, and that not one accident has occurred in them?

Mr. MADDEN. It may be true that thousands of vessels do enter various harbors throughout the country.

Mr. HUMPHREY of Washington. I mean these particular ones.

Mr. MADDEN. It may also be true that no accident has occurred in recent years. It is also true that the *Slocum* was running in the East River, New York, with a large number of excursionists; that it had no pilot; that the captain was unable to manage the vessel, and every person who was on board the vessel, or nearly every person, lost his or her life.

It is also true, as this report shows, that in 1853 the ship *New Era* appeared off the New Jersey coast with a load of immigrants from Antwerp. Its captain was hailed by a pilot, but refused to take one. He declared that even if it did take him until next day he was fully capable of piloting his own ship into the harbor. That night a tempest arose. Before daylight the ship was a total wreck. Hundreds of lives were lost. Four hundred and eight bodies drifted ashore and were buried in a huge grave on the site of what is now Asbury Park.

It is true, too, that this was in 1853; but why hesitate to protect the lives of the people who may be compelled to ride on board ships because the last serious accident occurring from that cause was in 1853? Better by far that every vessel sailing in the coastwise trade should be compelled to pay exorbitant pilotage fees than that in the next century one life should be lost by reason of the failure of the vessel to carry a pilot to direct it safely to its destination. I believe, Mr. Speaker, that if such legislation is to be enacted it should be enacted by the States. This is a matter over which the States have jurisdiction. If it is to be enacted it should also include steam vessels. The men who favor this bill favor it because the sailing vessels to which it applies come from the section of the nation from which they hail.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield for a question?

Mr. MADDEN. Not because they believe it is in the interest of commerce, not because they believe the pilotage charges are unjust, not because they believe the pilotage charges should be dispensed with, but simply to give an opportunity to men owning sailing vessels to make more money than they now make. Because of their avarice they seek to jeopardize the lives of the men, the women, and the children who are compelled in their movements from one place to another to ride on board these ships. I believe, Mr. Speaker, that the bill ought not to pass. [Applause.]

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. HUMPHREY of Washington. I would like to have the gentleman state to the House how many passengers are carried upon these sailing vessels?

Mr. MADDEN. I do not believe that I know any more about it than does the gentleman who asks the question.

Mr. HUMPHREY of Washington. He does not know as much.

Mr. MADDEN. The men who are employed and running vessels are just as important as men and women who are riding as passengers. Because a man happens to follow the avocation of a sailor, that is no reason why his life is not as dear to him and to his family as is the life of the greatest man in the country. [Applause.]

Mr. SCOTT. May I ask the gentleman a question?

Mr. MADDEN. Yes.

Mr. SCOTT. I understood some other speaker on this bill to say that no pilotage charge is made for steam vessels.

Mr. MADDEN. That is true, as far as I can understand.

Mr. SCOTT. I should like to ask the gentleman the reason why a sailing vessel should be charged and a steam vessel should be excused from that charge.

Mr. MADDEN. If there is any reason why a pilotage charge should be made against one vessel, it should pertain to all vessels. If they want a bill which meets the wishes of the American people, it seems to me they will provide that the pilotage charge be made against the steam vessel as well as the sailing vessel. The captain of a steamship is no more qualified to run

that ship into a strange harbor than is the captain of a sailing vessel, and neither captain should be allowed to do it under any circumstances.

Mr. SCOTT. Is the rule in regard to steam vessels the result of a State law?

Mr. MADDEN. All State laws.

Mr. BONYNGE. Oh, no.

Mr. MADDEN. Yes, they are.

Mr. DAVIDSON. Would the gentleman state, therefore, that legislation should be enacted to compel compulsory pilotage in all the seaboard, on all the coasts, and on the Lakes as well.

Mr. MADDEN. No; I do not make that claim.

Mr. DAVIDSON. Then why should there be compulsory pilotage on certain southern harbors, when there is no necessity for compulsory pilotage on the northern Atlantic coast, in the Pacific coast harbors, or on the Lakes in order to save life and property?

Mr. MADDEN. Because these harbors are not so dangerous. There are no tortuous channels, no shallow streams, no shifting bars, and the States, realizing this condition, have not enacted any law requiring compulsory pilotage. The States in which compulsory pilotage prevails understand the needs of their communities better than we do, and they ought to be allowed to enact laws to govern the question.

Mr. DAVIDSON. One other question, if the gentleman will permit. Is it not a fact that the north Atlantic coast States did have compulsory pilotage, and from time to time they have repealed those laws because it was unnecessary to continue them?

Mr. MADDEN. I believe that is so.

Mr. DAVIDSON. And if that is true because of the improvement of the north Atlantic coast harbors—and we know that the south Atlantic coast harbors have been improved in substantially the same manner, to the same depth of water—why should the compulsory pilotage be necessary in the Southern States?

Mr. MADDEN. Let the Southern States have the same rights in connection with legislation of this character that the Northern States have assumed to have. That is my answer to that question.

Mr. LITTLEFIELD. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Briefly, Mr. Speaker, I will explain why I am in favor of this bill. First, let me say to the gentleman who has just spoken on the subject: He said that the men who were interested in this bill were interested for no other motive except the fact that there were vessel ownerships in the district from which they came. I want to say to the gentleman that he is sadly mistaken. There are no vessels on salt water that sail between ports south of Old Point Comfort and the Southern States to Texas that are owned by anybody from the State from which I have the honor to come. I have no interest in any vessel property anywhere, either on fresh water or salt water. I am in favor of the bill because I believe that it repeals a law that permits men to heap injustice upon parties who own vessels sailing into those ports. Before the bill came before the Committee on Merchant Marine and Fisheries I had some correspondence with men who were opposed to the measure, in which I had in a measure stated that I would oppose the bill, but when hearings were given to men interested on both sides of the subject, I told Mr. O'Brien, who represented the Pilots' Association, that I would not support the bill, but later told him that unless he could to my satisfaction answer statements and testimony presented to the committee, showing that there were injustices heaped upon men who owned vessels sailing into those ports, that I would be compelled to support the measure, and that I would use every effort to give him every opportunity to answer those questions. He failed to do it in any respect, although given ample time. One vessel owner who appeared before that committee showed that he had a vessel sailing into a Gulf port, as I now remember it, carrying lumber to and from those ports, which were compelled to pay \$150 pilotage fees when foreign vessels of equal capacity, drawing no more water, were permitted to sail in and out for a charge of \$40.

Mr. HUMPHREY of Washington. That was at Tampa, Fla.

Mr. FORDNEY. And at Gulf ports also. I have the names of vessels here, and I will call attention to one of them, the *Gertrude Bartlett*, a foreign ship. The testimony shows she paid \$40 pilotage fee. The *S. M. Bird* was assessed a hundred and fifty dollars for like services. The owner of that ship went to the Pilots' Association and presented his claim, showing that he was charged more than other vessels of like capacity, and offered to settle the case by paying \$75. His ship was libeled and tied up at the dock, and he could not even

get a tug to take it out. The answer came from the captain of the tug that it would be a violation of the law to take that ship out, and especially contrary to the pilotage law.

Mr. DRISCOLL. I would like to know who has power to regulate this matter?

Mr. FORDNEY. A commission, as a gentleman stated, representing the Pilots' Association.

Mr. SHERLEY. Does not the gentleman know the pilotage law of the different States is the result of the action of the legislatures of those different States and that they have full control to make or change any law?

Mr. FORDNEY. I know only, my dear friend, just what was stated to the committee. Mr. Pendleton, a vessel owner well informed on the subject, gave testimony. I have it here of record where a vessel was libeled, and he had to give bond.

Mr. SHERLEY. The gentleman has not answered my question. It only requires a yes or no answer.

Mr. FORDNEY. I do not know what the law is, but I know what the practice is.

Mr. SHERLEY. Then the gentleman would take a violation of the law as an argument for this House to believe that was the law.

Mr. FORDNEY. I want the House to understand me on this subject. Mr. O'Brien was given opportunity to answer to my satisfaction why this extortion was allowed, and he failed to do it, and because there is a law that will permit a set of men to extract from another man, contrary to the law, a sum of money and compel him to pay it, I favor this bill. I have no interest in vessels. I am supporting the bill in the interest of simple justice.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. LITTLEFIELD. Does the gentleman desire more time?

Mr. FORDNEY. Three or four minutes.

Mr. LITTLEFIELD. I yield three minutes to the gentleman from Michigan.

Mr. FORDNEY. Now, it may be claimed by some men that the reason why one vessel is charged \$40 and the other a hundred and fifty dollars might be on account of their carrying capacity. The vessel *Gertrude Bartlett* carried 28,000 feet of lumber more than the other vessel; that is all. In one instance Mr. Pendleton stated before the committee, and that statement is in the records, that the profits on his cargo amounted to \$32 and the pilotage was \$40.

Mr. Speaker, there is nowhere else in the United States where the law compels a vessel owner to employ a pilot. There is nowhere else in the United States where there is more danger to life and less loss of life than at those ports. Other ports on the Pacific and Atlantic coasts are not compelled by law to hire a pilot, but they do hire a pilot in these ports referred to, and notwithstanding the fact that the captain of a tug is a pilot himself, competent to take a vessel over the bar, a vessel owner is also obliged to employ a pilot to ride upon the tug beside of the captain, and he pays not only a tug hire, but a pilotage charge as well. All men who sail or who own vessel property are interested in the saving of the lives of the sailors as well as passengers. However, there are no passengers to speak of on sail vessels. They go on steamships. The loss of life is among the sailors.

Mr. PRINCE. Mr. Speaker, will the gentleman yield for one question?

Mr. FORDNEY. Yes, sir.

Mr. PRINCE. Has there been request on the part of any national or State quarantine association for this legislation?

Mr. FORDNEY. Not that I know of.

Mr. PRINCE. Has there been any request on the part of any chamber of commerce for this legislation?

Mr. FORDNEY. Oh, there may be lots of them. I am not just familiar with the requests that have been made.

Mr. PRINCE. Has there been any request on the part of any labor organization in this country for this legislation?

Mr. FORDNEY. It does not make any difference to me whether there is any request from any labor organization or not so long as the measure appeals to me to be one of justice, sir. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Speaker, I yield fifteen minutes to the gentleman from Georgia [Mr. BRANTLEY].

Mr. BRANTLEY. Mr. Speaker, it was my privilege during the last session to consume some considerable time in the discussion of this identical bill, and I put into the Record at that time a much more comprehensive discussion of the questions involved than I can hope to do in the time allotted me to-day. I will be glad if those who are interested will look now at what I then said.

This is a bad bill. It is bad in principle and it is bad in its effect if enacted into law. No one questions the jurisdiction or the power of Congress to regulate pilotage. When the attempt is made to bring about such regulation we will meet that question. It is not now involved, and although some gentlemen say they favor this bill because they favor Federal regulation of pilots, I wish to call the attention of the House to the fact that this bill does not seek to regulate pilotage by Federal laws or otherwise, but the only effect of it if passed would be to, not directly, but indirectly, destroy the pilotage systems of the Southern States now existing; to substitute no system by the Federal Government in its place, and to leave these States with their hands tied and unable to provide any other system of pilotage in lieu of the one destroyed. Mr. Speaker, the principle of compulsory pilotage is upheld the world over. It has been repeatedly sustained by the decisions of our Supreme Court and sustained and enforced in many other countries of the world.

What this bill seeks to do is not to abolish compulsory pilotage—for it is still to be authorized, notwithstanding the passage of this bill, against all foreign vessels—but this bill is to prevent compulsory pilotage being enforced against coastwise sailing vessels. What, now, would be the effect of such a law? Back yonder, thirty-five years ago—in 1871—Congress prohibited compulsory pilotage against steam vessels engaged in the coasting trade, and it is now proposed to supplement that legislation by prohibiting compulsory pilotage against sailing vessels engaged in the coasting trade, and with what result? With the result that the system of pilotage we now have in my State—the State of Georgia—would fail. Why? Because there would be no funds with which to support it. Our system of pilotage is maintained by fees paid by the vessels that receive the benefit of it and for whose protection it was inaugurated. We had at my port—the port of Brunswick, Ga.—last year some forty millions of commerce. Perhaps 75 per cent of it was domestic or coastwise business, handled in large part by sailing vessels. We have a great port and a great commerce, amply protected by competent pilots, but if you relegate us to pilotage fees from foreign vessels to maintain our pilotage system we can not maintain it, for there will not be sufficient revenue from that source for the purpose. What is true of Georgia is true of other Southern States.

When this Government first started, in the very first Congress it was deliberately enacted that in the matter of pilotage each State should be free to make such laws as it saw fit. From that first Congress to this, the second session of the Fifty-ninth, that rule has not been changed. Each coast State during all these years has enacted pilotage laws to suit its needs and as necessary to protect its commerce. Until those States on the eastern coast had gradually builded up their foreign trade so that they had foreign vessels enough to support their pilots, they maintained, the most of them, compulsory pilotage against sailing vessels in the coasting trade. Each State has been free to establish or abolish compulsory pilotage as it saw fit, and at all times to legislate in this regard as the interests of its commerce justified or authorized it to do. All that we ask for my State to-day is the privilege enjoyed by all States heretofore of changing our pilotage system whenever in our judgment it is wise to do so.

Mr. Speaker, this bill is entitled "A bill to remove discrimination against American sailing vessels." The plea is made that it is a bill directed against discrimination, and yet in its very essence it is a bill to impose discriminations of fundamental character against those States in the Union which are not fortunate enough at this time to have a sufficient number of foreign vessels coming into their ports with which to maintain a pilotage system. A more unjust, unfair, and inequitable measure was never proposed in the American Congress. It is no justification for it to say that Congress has already released coastwise steamers from compulsory pilotage. The vessel under steam is under control and can feel its way; the vessel under sail can not do so. The one as a rule plies regularly between certain ports; the other does not; neither is there any real competition between sail and steam. In slow freight steam can not now compete with sail, and, pilotage or no pilotage, sail can never compete with steam where dispatch and certainty of time of delivery are necessary.

Mr. Speaker, it is an absurdity to talk about any State or any port imposing or maintaining for any length of time unreasonable pilotage fees. When it does so it injures its commerce. Each State is a competitor with every other State, each port is a competitor with every other port, and each State and each port is going to make its charges against commerce just as low as it can consistently with the proper protection of that commerce. Each individual State can better be relied upon to pro-

fect its commerce than can the United States, and knows better what protection is needed.

Mr. DRISCOLL. Will the gentleman allow me to ask him a question? It has been said here that we have a condition whereby different rates are imposed and collected as pilotage from ships of the same capacity. I have been trying to find out by what authority pilots are allowed to collect discriminating rates against ships of the same capacity, and especially why they discriminate against American vessels in favor of foreign vessels, if the facts are so.

Mr. BRANTLEY. In answer to the gentleman, if he does not know it already, I will inform him that in each of the States with whose laws I am familiar the matter of pilotage is regulated and fixed by law—by acts of the State legislature. I have heard no complaint that any State has enacted bad laws or laws authorizing the discriminations to which the gentleman refers. I have heard some complaint to the effect that at one or two ports discriminations had been made, but in each instance such discriminations have been shown to be in direct violation of the laws of the State, and nothing is simpler and nothing easier than to correct such discriminations, if persisted in, by an appeal to the courts.

Furthermore, no complaint of this character has been made, so far as I know, that has not been investigated or is not now being investigated by those competent to correct any and all abuses. But I would say to my friend that he can not maintain the proposition that because, for instance, the State of Mississippi, or some other State, does not enforce its pilotage laws he is justified in abolishing the pilotage laws of my State, against which no complaint of discrimination exists.

The proposition before us is to wipe out all the pilotage laws of all the States because, forsooth, at some port the State laws regulating its pilotage system have not been fairly or properly enforced.

Mr. Speaker, I am concerned in the maintenance and protection of the commerce of my port and my State. Now, we get down to this proposition: Do we need pilots to protect our commerce? No man will gainsay the proposition that we do. No one has attempted to do so. It being conceded that pilots are necessary, the next question is how to secure them, how to support them. We can only support them by paying them fees. Who is to pay those fees? In all justice and fairness the fees should be paid by the vessels coming into the ports—the vessels that the pilots are on duty to protect. Oh, gentlemen say it is a great outrage for a vessel that does not use a pilot to be taxed with pilotage fees. Let me say to such as take that view, go down to the coast of Georgia and inform yourselves on the subject—look over our laws and see on the statute book who can become a pilot. See that not only must he be a man of good moral character, but must undergo a period of years of apprenticeship before he is qualified to serve as a pilot, and when he does become a pilot, see what are his duties. The law says to him that he must stay on the outside of the bar. What about this compulsory pilotage that he collects? He does not collect it unless, outside the bar, he tenders his services to the vessel coming in. He can not stay at home at his fireside and tax the vessel with his fees, for the law says he must be on the outside—across the bar—in deep water; that he must be there in storm as well as in fair weather, by night as well as by day—he be there on the watch to serve when his services are needed; and if he stays there, I ask you why shouldn't he be paid for doing so?

Mr. PALMER. Will you allow me to call your attention to this statement in the report, and ask you whether it is true?

The system of compounding for pilot fees exists in Virginia and Georgia and reduces the business to one of revenue alone to the pilot, as it licenses the vessel and proceeds upon the theory that the services of the pilot are not in any sense necessary to the vessel.

That is found on page 49. Is that true—that a vessel can get a license for a sum of money paid into the hands of the Pilot Association down there and enter and depart from these harbors without a pilot?

Mr. BRANTLEY. Mr. Speaker, in answer to my friend from Pennsylvania I want to say to him that, in the interest of making commerce as inexpensive as possible at my port and the ports of Georgia, a concession was made to the vessel owner by which, under certain conditions and certain regulations, certain vessels coming regularly into our ports may pay so much per year as a license fee, the money to go to the support and maintenance of the pilots of the port.

Mr. PALMER. They get fees from such vessels without rendering any service?

Mr. BRANTLEY. They may not render any service, trip after trip, to a particular vessel, but they are on duty ready to give assistance if by chance it should be needed.

Mr. PALMER. But they do get a fee from the vessel for services they do not render?

Mr. BRANTLEY. They get the license fee paid by the vessel.

Mr. LITTLEFIELD. And all of this element of protection to life and property is entirely eliminated so far as the pilotage system is concerned. Is not that true?

Mr. BRANTLEY. It is not true.

Mr. LITTLEFIELD. I should like to know, if the vessel has no pilot, under your system, how the pilot, under your system, does the vessel any good?

Mr. BRANTLEY. Mr. Speaker, I would think that if any man on this floor ought to understand this question it would be my friend from Maine.

Mr. LITTLEFIELD. Well, I hope I do.

Mr. BRANTLEY. Under the license system our pilotage system is maintained. We have pilots and they remain outside the bar, and although vessels may and do come in which do not need them, they are there when their services are needed, and the day comes to all vessels when the services of a pilot are absolutely necessary.

Mr. LITTLEFIELD. For the purpose of ascertaining whether I really do understand anything about it, let me ask my question again. I understand you to address your remarks now to the system in general. My question was addressed (I had hoped to make myself understood, but it seems I was not) to the specific vessel that had the license. With reference to that vessel, quod ad that vessel, where does the element of protection to life and property as to that vessel come in under your system?

Mr. BRANTLEY. The answer is very simple. As to that particular vessel the element of protection comes in this way—that under the license system the pilot is maintained on the bar to protect that particular vessel in time of storm, when it does need the services of a pilot. If the Congress should follow the lead of the gentleman from Maine, the pilot would not be there when the time came that his services were necessary, so that under our system each particular vessel is protected by the mere presence of the pilot on the bar. The master of the vessel has no hesitancy in seeking a cargo at our port, because he knows that if the weather is thick and the wind high when he reaches the entrance to our harbor there will be found a pilot competent and ready to take him inside. We can not require the pilot to be there, require him to undergo years of apprenticeship, to purchase, equip, and maintain his own pilot boat, to risk his life, to remain at sea in foul as well as fair weather, and not provide adequate compensation for him. You can do one of two things—abolish pilots altogether or provide reasonable compensation in return for duties required.

On our Georgia coast the mainland is low and in thick weather can not be seen. There are shoals projecting far out to sea, and mariners have to be cautious when the weather is not fair. The pilot boat stationed just across the bar is always there to direct not only the vessel needing a pilot, but the vessel not needing him, where the entrance to the channel is. We have ever found the pilot necessary, and we want the privilege of keeping him at the expense of those whose property he protects until the time comes when we can either dispense with his services or have sufficient foreign shipping to support him.

Mr. DRISCOLL. The gentleman said that in case of a storm the pilot was out there, outside the bar, prepared and ready and willing to pilot the ship in. Is any extra charge imposed in case he does pilot that ship in?

Mr. BRANTLEY. Not a penny.

Mr. DRISCOLL. I mean the ship that has paid the license by the year.

Mr. BRANTLEY. Not a penny.

Mr. DRISCOLL. No extra charge?

Mr. BRANTLEY. Not a penny. A vessel is piloted in in time of storm for the same money that it is piloted in in fair weather.

Mr. DRISCOLL. But I am speaking of those who have paid a license, and therefore are not required to take a pilot except when they wish him.

Mr. BRANTLEY. If they take a pilot, they pay him.

Mr. DRISCOLL. They pay extra for the pilot that they take to pilot them in during the storm?

Mr. BRANTLEY. They do not pay extra. They pay the pilot for his services when they take him, but if they have this license they do not pay any pilot fees when they do not have a pilot. The license fees, which are small, exempt them from all pilotage charges, except where they actually use a pilot.

[The time of Mr. BRANTLEY having expired, Mr. SHERLEY yielded to him five minutes.]

Mr. BRANTLEY. Mr. Speaker, I just want to say, in conclusion, that this bill is so manifestly unfair upon its face, is such a manifest discrimination against certain of the States of

this Union, that although it has been introduced in this House year after year for a quarter of a century—

Mr. BARTLETT. More than thirty years.

Mr. BRANTLEY. It has always received the stamp of disapproval in the American Congress, because the American Congress has stood against discrimination and in favor of equality of treatment of all the States. We would be glad in my State if we could make commerce absolutely free, but we believe that the duty is incumbent upon us to protect commerce at our ports, if we would invite it to come there, and we know that the necessity exists to have pilots to bring vessels into our ports. They may come in at times without needing the services of a pilot, but the day comes for each and all of them when the pilot is hailed as a savior, when his services are of inestimable value, and we want to have him there against the time when his services are needed. We want at all times to regulate the matter for ourselves. If any of the people of my State have any fault to find with our pilotage system, they have but to appeal to the legislature of the State to have any changes made that appear necessary or proper to make.

Mr. Speaker, this bill is entitled "A bill to remove discriminations against sailing vessels." The plea is made that the sailing vessel is discriminated against, and that its owners must be allowed to make more money. Yet turn to the hearings before the honorable committee having this bill in charge and read there where the leading advocate of the passage of this bill—himself a shipowner—testifies that he has gradually increased his ship holdings from year to year until he has a controlling interest in more than one hundred of these sailing vessels. Evidently he has found it a business profitable under our laws as they now exist, and yet in order to make it still more profitable he would sacrifice and imperil the commerce of my port and imperil the lives of the men who serve on his vessels. There is no excuse or justification for this bill except to put money into the pockets of a few people.

There is no industry in the world that is to-day so protected, so taken care of, so watched over and looked after as the coastwise sailing business of this country. We are expending millions for its benefit every year. We have removed all competition from abroad with the men engaged in it; we have given them an absolute monopoly. We spend millions to deepen our harbors and deepen our channels for them; we build light-houses and station light vessels for them; we set up buoys and range lights for them; we tax them nothing for these great aids to their business, and yet when my State asks that they contribute something to the protection of the lives they employ and the protection of the commerce they handle, and the protection of the good name of our ports, they rise up and say: "No; we are the favored children of the nation, and you must not tax us anything." That the sailing vessel is the great beneficiary of improved harbors and deeper channels is easily demonstrated. At the port of Brunswick, Ga., the coastwise steamers draw from 14 to 18 feet of water, while it is a matter of almost daily occurrence for sailing vessels drawing 19, 20, and 21 feet of water, and sometimes more, to enter our harbor. It is to accommodate the deep-draft sailing vessel that we are constantly seeking to deepen our channel. It is to protect the sailing vessel that pilots are primarily needed, and it is but small return for them to make for all that is done in their behalf to assume the burden of paying these pilots. I hope this bill will be defeated. [Applause.]

Mr. SMALL. Mr. Speaker, I am unable to agree with the distinguished gentleman from Georgia [Mr. BRANTLEY] who has just spoken, and who contends that this is a bad bill. Upon the contrary, I think that the commercial interests of the entire country, and, I am sure, the commercial interests of the South, as illustrated by our coastwise trade, will be benefited by the passage of this particular legislation.

Substantially this bill provides that the masters or mates of all sailing vessels may be licensed under the authority of the United States to pilot any vessel within certain limits and that the authority granted by such license shall not be limited by any State regulation. The purpose is to make the acceptance of a pilot by a sail vessel optional instead of compulsory. The bill does not apply to foreign vessels, but only to American vessels engaged in the coastwise trade. By the act of 1871 all steamers were relieved from compulsory pilotage, and the purpose of this bill, as the title implies, is to remove this discrimination against sail vessels and put them on an equality with vessels propelled by steam. With the commercial growth of our country, with the constant improvement of our harbors by providing a greater depth of water and by marking the channels with day and night beacons, the tendency has been to remove all burdens upon our coastwise shipping, and this is true because any burden upon interstate trade is ultimately borne by the consumer

and because the necessity which formerly existed for compulsory pilotage has ceased. Compulsory pilotage has been abolished by the action of the several States upon the Great Lakes, upon the Pacific coast, and upon the North Atlantic coast above Cape Henry. This burden—and I think I can show it is an unnecessary burden—is only imposed in the ports between Cape Henry and Galveston.

Until about three years ago I was opposed to this legislation, not upon its merits, but because I clung tenaciously to the opinion which actuates so many of its opponents, that the regulation of pilotage should be left with the several States. In truth, this is the only reason which can be advanced against this bill. Since the foundation of our Government it has been our policy to leave these matters to the several States, but like so many other subjects affecting our domestic trade and commerce conditions have so changed as to demand uniformity of legislation and regulation and to demand that Congress shall assert its unquestioned jurisdiction. No one denies the authority of Congress to enact this legislation. At the best it is only a question of policy and of commercial necessity. I would be the last person to invade upon any vital question the reserved rights of the States, but this legislation not only follows beaten paths, and for which there are numerous precedents, but it is in line with the admitted trend of legislation to make uniform and consistent all laws affecting interstate trade. The only manner in which this result can be accomplished is through Congressional action.

Does the necessity exist for this legislation, or ought the South Atlantic and Gulf States to be permitted longer to regulate pilotage? I think the time has arrived when the States ought voluntarily to surrender these privileges or in default thereof that Congress should assert its jurisdiction. If pilotage was ever a local question, that time has passed. There was a period in our history when it was strenuously contended that Congress had no power to appropriate money for the improvement of our waterways or harbors, but now public sentiment everywhere has yielded this position, and no one questions that the maintenance of our harbors is a function of Congress. The harbor of New York is not the property of the Empire State, but of the country. Hampton Roads, in its magnificent area, is not the property of Virginia, but is the pride of every American. Galveston, with its enormous shipping and great tonnage, does not alone belong to Texas. In so far as these ports and others are useful for commerce, to this extent does every State in the Union possess an interest in them. Every burden upon interstate commerce in these ports, every obstacle to the freest movement of steamers and vessels should be removed, and every encouragement for their use by American shippers should be afforded. Commerce can and should be as free as is consistent with safety.

If these burdens in the way of pilotage regulations imposed under the authority of any State are not only unnecessary, but the charges are extortionate and are harsh and inconsistent, and particularly if they foster a monopoly, then the necessity for Congressional action is imperative. I think that all of these onerous conditions exist at the several ports between Cape Henry and Galveston, and in a more or less drastic form.

Mr. BRANTLEY. Will the gentleman from North Carolina yield for a question?

Mr. SMALL. Certainly.

Mr. BRANTLEY. Is it not true that the port of Wilmington, N. C., has abolished compulsory pilotage fees?

Mr. SMALL. Yes.

Mr. BRANTLEY. And that the change of the position of the gentleman on this question changed with the action of the port of his State?

Mr. SMALL. I will answer the gentleman.

Mr. BRANTLEY. If the gentleman will pardon me, I want to ask another question in that connection. Is it not true that following the declaration that Wilmington is a free port its lumber business in a large measure got away from it, and has been away since it has been a free port? Then I want to ask the gentleman further if abolishing compulsory pilotage in Wilmington has resulted in giving this port an advantage over every other southern port that has not abolished pilotage fees, why isn't it for the interest of Wilmington to have this bill defeated and compulsory pilotage maintained at the other southern ports?

Mr. SMALL. Mr. Speaker, answering the question of the gentleman, I will say that Wilmington, N. C., is the principal port of my State, and that the legislature of North Carolina has made it a free port; but that was not the controlling reason which actuated me in coming to a belief in the merits of this legislation. It is not true that the coastwise trade of the port of Wilmington, either in lumber or any other commodity,

has decreased since it has become a free port, but upon the contrary there is evidence the other way, which has been presented, if I am not mistaken, to the committee.

Mr. LITTLEFIELD. Mr. Speaker, I can hand the gentleman a letter, if he desires it, to the effect that the trade has not fallen off.

Mr. SMALL. I would be glad to have it. There is evidence to the effect that the commerce of Wilmington has shown a healthy increase since these discriminations were removed from sailing vessels engaged in the coastwise trade.

Mr. LITTLEFIELD. There is a letter from the president of the chamber of commerce, which I hand to the gentleman.

Mr. SMALL. Yes; here is a letter which I will read. It is from Mr. J. A. Taylor, president of the chamber of commerce of that city, and is as follows:

THE WILMINGTON CHAMBER OF COMMERCE,
Wilmington, N. C., March 21, 1906.

HON. CHARLES E. LITTLEFIELD,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to the minority report on the Littlefield bill, beg to call your attention to figures on page 78 purporting to represent the relative shipments from Charleston, S. C., Georgetown, S. C., and Wilmington, N. C., for the years 1904 and 1905, in which the Wilmington shipments of lumber to New York are represented as having fallen off more than 4,000,000 feet. This statement is intended to convey the impression that shipments received at New York are practically the total output of this commodity from Wilmington, and a lame argument we can not well conceive. For your information, beg to say that the shipments of lumber from Wilmington for 1904 were 40,000,000 feet, and for 1905, 46,000,000 feet, and this notwithstanding that one of the principal mills was shut down for five months, due to a boiler explosion. It is estimated that lumber shipments from Wilmington for 1906 will exceed 60,000,000 feet, or an increase over 1904 of 50 per cent. New York no longer receives the proportion of shipments that it formerly enjoyed, and if the signers of the minority report had been as zealous in ascertaining facts as they were in putting forth a misleading argument they would never have appended their signatures to a report so easily refuted.

On this same page appears this clause: "Cause, reduced freight, as the freight always pays the pilotage." This is the conclusion of the argument and is the capstone to the contention that a free port suffers a loss of commerce. In the same paragraph the action of Wilmington in abolishing compulsory pilotage is represented as a shortsighted step on the part of a few grasping shippers. As a matter of fact, the Wilmington Chamber of Commerce, by unanimous vote, condemned compulsory pilotage, and the members of the chamber raised a large fund to prosecute repeal before the State legislature. The subscribers to this fund embraced, with three exceptions, every manufacturer and wholesale dealer in Wilmington.

For your further information I will state that ten pilots are now engaged in the business at this port, and the service is more satisfactory and efficient than it has been for more than ten years. There has not been a single disaster to shipping chargeable to the abolition of compulsory pilotage or to inefficient pilotage service, and the commercial interests of Wilmington are highly pleased with the results of the free port.

I hope that you will feel at liberty to use this letter in meeting the erroneous assumptions in the minority report.

Yours, respectfully,

J. A. TAYLOR, President.

I will state that the act of the legislature making Wilmington a free port took effect in March, 1905.

Mr. PATTERSON of North Carolina. Mr. Speaker, representing the Wilmington district, I would like to ask the gentleman if the statistics from the Department of Commerce and Labor do not show that there is an actual falling off in the shipments of lumber from Wilmington since it was made a free port, and if those statistics do not show an increase from Charleston and Georgetown?

Mr. SMALL. If the gentleman has any such statistics, he can produce them in his own time and then they can be answered. I have not any to that effect. I was but recently in Wilmington, and there I found among the commercial interests of that port a unanimity of sentiment in favor of a continuance of the law making the city of Wilmington a free port.

Mr. PATTERSON of North Carolina. I desire to say simply that those facts are so, and I tried to get from Mr. Taylor his explanation, but have not been able to do so—that is, as to the falling off.

Mr. LITTLEFIELD. What was the statement of the gentleman?

Mr. SMALL. The gentleman from North Carolina, my colleague, stated that the statistics of the Department of Commerce and Labor showed there had been a falling off in the coastwise trade since the city of Wilmington was made a free port.

Mr. PATTERSON of North Carolina. On lumber only.

Mr. LITTLEFIELD. May I ask if the gentleman questions the credibility of Mr. Taylor, who writes the letter which the gentleman from North Carolina [Mr. SMALL] has read?

Mr. PATTERSON of North Carolina. No; I do not, nor do I question the credibility of the Secretary of the Department of Commerce and Labor.

Mr. LITTLEFIELD. May I ask the gentleman if it does not embarrass him if he questions the intelligence and credibility of Mr. J. A. Taylor?

Mr. PATTERSON of North Carolina. Not at all. He is an honorable gentleman. He is in favor of this bill. Yet the largest shipper there is opposed to it.

Mr. LITTLEFIELD. That does not change the fact—the circumstance that these people are for or against the legislation.

Mr. SMALL. I will say to the gentleman that the shipper to whom he refers, the firm of Alexander Sprunt & Son, is engaged exclusively in the foreign trade, as I understand.

Mr. LITTLEFIELD. And they want the coastwise trade to pay to help them out in the foreign trade.

Mr. PATTERSON of North Carolina. Before the matter is closed I would just like to say that my own opinion about the falling off is that it is due to the destruction of our forests, and not because Wilmington is made a free port.

Mr. SMALL. I am obliged to the gentleman for that statement.

Mr. PATTERSON of North Carolina. That is my own opinion.

Mr. SPARKMAN. Mr. Speaker, I understand the gentleman to say that the State of North Carolina, through its legislature, made Wilmington a port of entry.

Mr. SMALL. A free port.

Mr. SPARKMAN. A free port, I would say; and that it did so because it evidently found that the foreign shipping was sufficient to sustain the pilot system there, I presume.

Mr. SMALL. I do not understand that that entered substantially into the reasons controlling the commercial interests of Wilmington in a movement for a free port.

Mr. SPARKMAN. Whatever the reason may have been, does not the gentleman think the balance of the Southern States or any State in the Union can also be trusted to do the right thing whenever the time comes for doing it?

Mr. SMALL. I will say, in answer to the gentleman, that the only possible merit in the opposition to this bill is the contention that it should be left to the State, and I think the time has come when the Congress of the United States, in the interest of interstate commerce and freedom of trade, should remove this discrimination against the coastwise trade.

Mr. HARDWICK. May I ask the gentleman a question?

Mr. SMALL. Certainly.

Mr. HARDWICK. I want to ask you this: Why will not the same argument made by my friend from Florida apply, and why did it not apply, to quarantine just as well?

Mr. SPARKMAN. I can answer that—

Mr. SMALL. Oh, the question of quarantine has been thrashed out, and a majority of this Congress has admitted that it was the duty of the United States to take jurisdiction.

Mr. BRANTLEY. What objection has the gentleman from North Carolina to allowing the State of Georgia to do as the State of North Carolina did, abolish compulsory pilotage at its pleasure and not at the command of the Government of the United States?

Mr. SMALL. Without reflection upon the Empire State of Georgia I might suggest that Georgia is not as wise as North Carolina and may not do it, and therefore the Congress of the United States ought to step in and free commerce from this restriction. [Applause.]

Mr. BRANTLEY. Will the gentleman let me suggest just there that if his State has been more wise, and you have got an advantage over Georgia, then why do not you keep it? Have you not made a mistake and want to pull us in the hole with you?

Mr. SMALL. I hope the gentleman will not think that in North Carolina we are so narrow we would withhold the benefits we are enjoying from the great State of Georgia and her ports. We are liberal in these matters and we wish to extend the benefit to every port of the country. Now, as to one question propounded by the gentleman from Georgia, my friend Mr. BRANTLEY. He intimated that the reason for my position at this time was because Wilmington was the chief port and a free port. I would not intimate that the gentleman represents the pilots of his ports. I would not represent that other gentlemen here, residents or representing districts which have ports in them in States which recognize compulsory pilotage, are representing their ports alone. I will give them credit for a wider range of vision in this matter than to say they represent their particular ports or particular section.

Substantially every reason which was adduced in favor of a system of compulsory pilotage at each separate port has been eliminated in the course of our commercial growth and in the extension of our domestic trade. Many beautiful sentiments have been written in praise of the heroism of the pilots as they brave the storms upon the ocean, seeking the luckless vessel and bringing her safely into port. Under the old conditions the pilots were desired by the masters and in stress of weather they were a necessity. But by no wild stretch of the imagination

can such sentimental reasons be advanced to-day in favor of the present system. Steamers are not required to take pilots and yet strange vessels frequently demand their services. The master and pilot of a sail vessel accustomed to trade with more or less frequency at the same port are just as well acquainted with the channel as is the local pilot. So that the arguments of the gentleman from Illinois [Mr. MADDEN] and several other gentlemen who have appealed to the sentiment of Members are dealing not with the present but with the past.

Let me illustrate some of the inconsistencies in the application of compulsory pilotage. At Cape Henry a sailing vessel entering Hampton Roads and bound for Norfolk or Newport News must take a pilot or pay the fee. If she is bound for Baltimore she is not so compelled, although subject to the same conditions, because Baltimore is a free port. If the same vessel is bound for Alexandria she must take a pilot, but if her destination is the city of Washington, just a few miles farther, it is optional. Can such inconsistencies be explained?

Again, a practice exists at Cape Henry, and I believe to the same degree substantially at the other ports where pilotage is compulsory, by which an annual license for a consideration is issued to a vessel, and which relieves such vessel from the necessity of taking a pilot during the life of the license. Mind you, the license is not to some skillful and intelligent pilot on the sail vessel, but it is issued in the name of the vessel itself. It is, therefore, a fair inference that at least one purpose of compulsory pilotage is to raise revenue for the pilots rather than to protect shipping or conserve the interests of the port.

It has been said in this debate that the object of this legislation is to benefit owners of sail vessels in the State of Maine. I am unwilling to believe that none of the sail vessels engaged in trade with the South Atlantic and Gulf ports are owned by the southern people, but if every such vessel was owned in the State of Maine such fact would not justify unnecessary discrimination against and unnecessary exaction upon such vessels engaged in the trade. These vessels are the instrumentalities of commerce, and are not only entitled to freedom of movement, but every dollar extorted from them is necessarily added to the freight charges and is paid by the southern owner of the lumber or cross-ties or other material so transmitted by them. It was said by one gentleman, Mr. BRANTLEY, I believe, that this bill was intended to put money in the pockets of a few individuals—referring to the vessel owners. This was an unfortunate allusion. The representative of the pilots stated that this legislation would not affect more than 1,000 pilots, and there was evidence before the committee to the effect that the number would not exceed 130. It has been shown that wherever a compulsory pilotage system exists that the number of pilots is limited; that they are well organized; that they receive large incomes, and it is well known that they have maintained at this capital one or more intelligent and distinguished representatives to protect their interests. Evidently it can be said upon the best authority that those opposed to this legislation are seeking, perhaps unconsciously, to maintain a profitable monopoly at a few ports.

May I call attention to another form of discrimination? The kind of vessel which has more than any other revolutionized water-borne trade and reduced the cost of movement to a minimum is that of barge transportation. Therefore every encouragement should be afforded, and yet a tug entering the harbor from Hampton Roads with a tow of, say, three barges, need not take a pilot, but each barge is compelled to accept a pilot or pay the fees for an annual license. How can this be justified?

We have heard in this discussion some panegyrics upon labor. It is said that the pilots belong to the American Federation of Labor, and that this fact may prejudice this bill. How the pilots under modern conditions come to be associated with any labor organization is one of the unfathomable mysteries. At least a goodly portion of them sit in comfortable offices and collect the vessel licenses, with occasional visits to their State capitals while the legislature is in session in order to relieve the monotony of the daily grind. Instead of being laborers, they resemble more the traditional lily, "which toils not, neither does it spin." If I had authority I should at once institute an inquiry in order to ascertain how these pilots were mustered into the ranks of labor, and I am sure some skillful legerdemain would be discovered.

If compulsory pilotage is necessary, then who should be in favor of it? I should say that the vessel owners would favor the system for the protection of their property. I would say that the owners of the cargoes of such vessels would advocate it. I would also suggest that the marine underwriters would be zealous friends of the system. But in all the hearings before that committee I have seen no evidence that any one of these interests was opposed to this bill, but, on the contrary, they are advocating its passage.

Fortunately, I represent my own constituency in the position I have advocated. Millions of feet of lumber are manufactured in eastern North Carolina, and large quantities are shipped to Norfolk and there transferred to sail vessels or barges and thence transported to Philadelphia and other northern ports. I think every manufacturer and shipper of lumber in my Congressional district has written to me asking me to support this bill. They are not interested in maintaining the compulsory pilotage system at Cape Henry, and they realize that its maintenance imposes upon them an unnecessary exaction.

Mr. Speaker, I have endeavored to consider this legislation alone from the viewpoint of public duty. I am sorry that many of the southern Members and Democrats differ with me. I yield to no man in loyalty to the South and to the tenets of the Democratic party, and in supporting this measure I make no sacrifice of either. Whenever I can do so consistently and in the line of duty I stand for that legislation which makes for commercial growth, for industrial activity, and for the development of the rich resources of the South. Any legislation which tends to freedom of commerce, which increases the number of vessels engaged in our coastwise trade, and which lightens the cost of transportation will tend to increase our prosperity. Obstacles may temporarily be thrown in the way, but in the march of progress they will ultimately be removed. [Applause.]

Mr. BRANTLEY. Mr. Speaker, by direction of the gentleman from Kentucky [Mr. SHERLEY], I yield ten minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, I shall not undertake in the few remarks which I shall submit upon this bill, to go into details. That would be impossible in the short time I am allowed. While no one questions the authority of Congress to deal with this matter, the fact remains that ever since the formation of the Government Congress has deemed it wise not to interfere with the States along this line. This bill has been presented at almost every Congress for possibly thirty or forty years, and the Congress has never seen fit yet to take from the States the control of this subject. Why should Congress do so now? What particular reason exists now for this bill? Who is demanding the passage of this bill? Not the people at interest; not those of the States where these ports are located, but the cry for the abolition of compulsory pilotage by Congress comes from the shipowners of the State of Maine. Now, Mr. Speaker, if this bill should pass it would absolutely destroy the pilotage system of the State of Florida, which I in part represent upon this floor. A bill to repeal compulsory pilotage has been repeatedly introduced in the Florida legislature, and it has failed of passage every time, because our people recognize that the commerce from foreign nations coming to our ports is so exceedingly small that it could not possibly maintain an efficient pilotage system in any of those ports. There is another thing that gentlemen should remember. The channel in southern ports, particularly with us, is constantly changing on account of the shifting sands. They are not like the ports of rock-ribbed New England, that remain the same all the time, and it is absolutely essential that pilots thoroughly familiar with the channel should be on hand to guide these vessels safely into and out of our ports. It is necessary in the interest of human life, it is necessary in the interest of the preservation of property; and, I say, Mr. Speaker, that the saving of one human life, the saving of one human being, is worth more to the country than every dollar that these shipowners would be taxed.

I want to say, too, Mr. Speaker, it seems to me that the main reason assigned for the necessity for this bill is the fact that there have been some acts of injustice somewhere. Here and there isolated wrong has been perpetrated; here and there instances of hardship upon some shipowner have occurred. That does not demand the abolition of the law; that does not demand the destruction of the system. It ought to be regulated; its inequalities and injustices ought to be cured; but it does not demand the entire abolition of the system and the denial to the ports of my State of the right to maintain a pilotage system. Why not do with Florida as has been done with the State of North Carolina? Let us go on under this system until our foreign commerce has reached that point where we can voluntarily abolish it, as they have done at the port of Wilmington; and it will be abolished whenever our foreign commerce reaches such a volume as to maintain an effective system of pilotage in our ports.

This pilotage system as we have it, too, Mr. Speaker, is a great aid to us in matters of quarantine. The pilot, I say, is always, as has been so eloquently said by the gentleman from Georgia, outside. He is the first man who comes into contact with a vessel seeking entrance into our ports. If there be any disease on board he discovers the fact before the vessel enters our port. He discovers and reports that fact, and it is valuable

to the quarantine system. Mind you, Mr. Speaker, there is no demand in my State for the passage of this bill. It is true that some gentlemen have sent telegrams to the committee, and so forth; but the sentiment of the people, the overwhelming sentiment of the people in my State, is in opposition to this bill.

Probably the largest shipper at Jacksonville, which is the largest city in my State and in my district, is the Cummer Lumber Company, people who represent over \$2,000,000 in lumber, turpentine, and other interests, and they are absolutely opposed to the passage of this bill. In 1905 I believe they sent a telegram here supporting it, but last winter the Cummer Lumber Company put themselves on record as opposed to this bill and are anxious that it be not passed by Congress. So I say there is no demand there for it. The only demand comes from the shipowner of Maine. The only demand comes from him, and only to save a few dollars, regardless of the danger to human life, regardless of the danger in the destruction of property, and regardless of the rights of labor in this country.

Mr. HUMPHREY of Washington. Will the gentleman permit a question?

Mr. CLARK of Florida. Certainly.

Mr. HUMPHREY of Washington. Is the gentleman able to show where there has been any loss of life or any injury to the vessels that have gone in and out of these ports without a pilot?

Mr. CLARK of Florida. I will say to the gentleman that I can not state from memory, but I know there have been a good many.

Mr. HUMPHREY of Washington. That challenge was made before our committee to those who oppose this bill, and it was shown that not a single vessel was injured, not a life was lost, and no danger to property happened on any vessel out of the thousands that had gone in and out of these ports without a pilot; and yet to-day the gentleman is opposed to the passage of this bill, as he says, in the interest of the protection of life and property. I fail to see what basis the gentleman has for his argument that it is for the protection of life and property, because the testimony shows that where they employed pilots there were lives that were endangered and vessels that were injured.

Mr. CLARK of Florida. I do not doubt the gentleman's statement; but, Mr. Speaker, I oppose it upon this proposition—that the pilot living at the port, there every day and every night, knowing every possible change in the channel, is bound to know more about it than the pilot upon a vessel coming into that port once a year.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. Will the gentleman allow me to ask him one question?

Mr. CLARK of Florida. I will if I have the time.

Mr. SHERLEY. I yield five minutes more to the gentleman.

Mr. HUMPHREY of Washington. Suppose, as in the case of Norfolk, where a pilot never leaves the shore, and only sits in his office and collects the pilotage, and as has been shown by the evidence before the committee, that there has not been a pilot on a sailing vessel in that port in eighteen years, how do they learn it by simply sitting in their offices ashore and simply collecting the revenue?

Mr. CLARK of Florida. I presume the gentleman who represents the Norfolk district can take care of that. I am speaking solely for my own constituency, and I know that at the port of Jacksonville and Pensacola and other Florida ports there is a body of pilots inferior to none in all this country and true to their trust. They do not sit in carpeted offices and draw a salary, but in sunshine and in storm the Florida pilot is outside of the bar seeking only to assure to property and to life a safe guidance into the port; and I say to the gentleman again that I know that so far as our own pilots are concerned—the Pensacola pilot and the Jacksonville pilot and the other Florida pilots—they know more about our own ports in a minute than the pilots on one of these Maine schooners will know about those ports in forty years, because they stay out there.

Mr. HUMPHREY of Washington. Will the gentleman allow me to ask him one more question?

Mr. CLARK of Florida. Certainly.

Mr. HUMPHREY of Washington. After the eloquent eulogy you have pronounced on the pilots of Florida, will you please explain why, under the pilotage system of Florida, they charge American vessels three times as much for the same service as they do to the foreign vessel at the same port?

Mr. CLARK of Florida. Mr. Speaker, I said at the opening of my remarks that there might be occasions where injustices or wrongs have been done, but I stand here to urge these gentlemen to correct it. But because there is one wrong or one injustice, because here and there you can point out one indi-

vidual act of injustice, do not destroy the whole system that means so much to us.

Mr. LITTLEFIELD. May I ask the gentleman a question?

Mr. CLARK of Florida. Certainly.

Mr. LITTLEFIELD. It appeared before the committee that the acts of injustice and discrimination were repeated and continuous, and that as a matter of fact there was more discrimination than there was regular treatment. Now, why not join with us in wiping out the system that renders that kind of conduct possible?

Mr. CLARK of Florida. If the gentleman wants to wipe out systems that are objectionable, where injustice creeps in and wrong is triumphant, then why does not the gentleman join with me to adjust the inequalities of the Dingley bill? [Applause on the Democratic side.]

Mr. LITTLEFIELD. "The gentleman from Maine" will be perfectly ready to debate that interesting proposition with the gentleman from Florida at any time when the occasion arises, but that does not answer my question.

Mr. CLARK of Florida. All right. The gentleman is now talking about existing wrongs.

Mr. LITTLEFIELD. Is that all the answer the gentleman can make to my question?

Mr. CLARK of Florida. I say to the gentleman from Maine that I am ready to do my part in aiding him to wipe out any inequality that may exist, but I am not willing to destroy a system that has done so much for us and promises so much for us in the future. This Congress ought not to treat us differently from the way in which they have treated the other States of the Union. They have waited upon them all to abolish compulsory pilotage when their foreign commerce justified it. They waited upon North Carolina until such time as their foreign commerce justified it. When ours reaches that point we are ready to join hands with the gentleman from Maine in repealing compulsory pilotage. [Applause.]

Mr. SHERLEY. Will the gentleman from Maine use some of his time?

Mr. LITTLEFIELD. I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, in 1896 this bill was pending in the House of Representatives, and for a reason which I gave at the time I voted against its passage. Eighteen hundred and ninety-six was a time of starvation, and it was represented to the House of Representatives that if we should abolish this subsidy, or whatever else you may call it, one hundred and twenty-odd pilots and their families would suffer during the coming winter. I made a speech in opposition to the bill, putting it upon that ground, and asking, in reply to the pressure made by Mr. Dingley, that he postpone the passage of the bill until a better condition should justify the action of Congress. From that day to this, and, indeed, going back to 1892, every Administration of the Federal Government, through its proper officer, has appealed to Congress to repeal this discriminating charge. Now is the first time since 1896 that a bill has been presented before the House for its passage. At the time of the original discussion of this matter there was not the condition that exists at the present time.

It is a most astonishing thing that which we have here disclosed. First, every business man in the great cities of the South who has spoken has appealed for the passage of this bill. I am amazed to hear the gentleman from Jacksonville [Mr. CLARK of Florida], whose home is in Jacksonville, speak in opposition to this bill, when apparently as many business men as there probably are in the city of Jacksonville have appealed for its passage, and their names are signed to the memorial to Congress.

It is a new development in commercial trade that there shall be handed over to a little organization of men the power to license or refuse to license the shipping of the American people. The long lease of power that this little coterie has had has emboldened these men until it now appears that in more than a majority of cases they never touch the wheel of a ship, and in very many cases they never go on board the ship. They sit there in an organized body and issue licenses by the year to the owner of a ship or a half dozen ships. They say to him, "It is very true now, you have your own pilots. You understand how to come into these ports. Give us so many dollars, and you need not take a pilot at all." If there is any gentleman here who wishes to question that, here are the receipts for money and here are the statements of the men themselves that they do not go on board of the ships. They simply issue to the owners of the ship a permit for a year, for \$500, \$300, or \$200, and the owner of the ship makes his own arrangement for the piloting of the ship, but pays this tribute to this organization. What do you call that? What would that be called

in these days of "muck raking?" An honest man with a cargo going into the port of Norfolk, attempting to enter the James River, is charged a percentage of his cargo in value, and sometimes the majority of the profit of his cargo, in order that he may sail up that harbor, and furnish his own pilot. He takes a receipt for the money, and in that receipt they say that they did not go aboard of the ship, but "spoke her." "Spoke her!" In other parlance, they "touched" her. [Laughter.] From Norfolk to Eastport, Me., there is no such condition, there is no such charge. From the north coast of the Pacific, clear down to the extreme southern part of California, there is no such condition. It is just this little piece of property down there that is just now coming here and asking the Government of the United States to loan them \$1,000,000 to run a show down there, so that their pilots can "touch" every vessel that comes into that show. [Laughter and applause.] We will cross that bridge when we come to it.

What is there that justifies this condition? North Carolina and the whole business men of Florida protest against it. Here they are by hundreds, representing millions and millions of dollars of property; here they are asking Congress to take off of their commerce a burden that is not the slightest benefit to them.

The very eloquent gentleman on the other side who talked about the pilots being out there to save property and save lives does not undertake to say how it happened that they themselves certify over and over, continually, from the beginning of the year to the end of it, that they simply charged the ship and did not go aboard of her at all.

We spend millions of dollars making the harbors of our coast easy of access; we spend vast sums of money to dig out the obstructions of our harbors; we spend vast sums of money to light our harbors, and we have got these harbors. Take the harbor of Norfolk. Is there any necessity for any especial skilled pilot to steer a ship into the harbor of Norfolk? Does anybody suppose that they could make the masters of these vessels, southern men, men who have built up this business in that harbor—convince them of the necessity of having a special pilot when the captains can go into these harbors at any hour of the day or night with absolute safety under the light and with the depth of water that is furnished them by the Government?

Why, Mr. Speaker, there is no excuse for this tax. It is a distinct tax and burden for nothing. What other occupation in life is there that compels a man with his little schooner, with no life on board of it, perhaps, that is not as skilled as the pilot himself, to pay a tax for the privilege of entering one of the harbors of the United States? For the credit of our country be it said that it affects no place north of the harbor of Norfolk and no place on the great Pacific coast, including the dangerous entry to Columbia River and of all the other rivers and harbors along the Pacific coast. It exists nowhere else than in these few ports that are entered by the commerce I have spoken of.

Take the harbor of Galveston, to-day second in importance of exports to the greatest in the United States; second only to New York in its export trade. Do they require in that magnificent harbor that has cost this Government untold millions of dollars—do these shipowners require that there shall be put upon that sailing vessel skilled men? Who is interested in saving the lives on board ship so much as the owner of the ship—who next to him but the captain and the men who are handling the ship itself? The whole of this, Mr. Speaker, is an unnecessary burden upon this commerce, and if gentlemen want to see how heavy it is, take this report and read it and you will find that many a ship loaded with the products of industry of laboring men has been taxed more than one-half of the profits of the three weeks' trip in order that they may sail into a harbor, and no pilot ever touched a wheel on the ship. [Applause.]

Mr. SHERLEY. Mr. Speaker, I now yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I represent a district that nowhere touches the coast. I have no pilots in my district and no shipping interests, but we are very much interested in commerce. My district is one of the largest manufacturing districts in the South. We ship a large amount of the products of our manufactories abroad. We are interested in foreign shipping, and I am going to vote against this bill, because I believe it will interfere with our commerce, exactly for the opposite reason that the gentleman from Ohio [Mr. GROSVENOR] says he is going to vote for it. I say to this House that I believe we in Alabama are better able to judge what will advance or improve or foster the commerce of Alabama than some gentlemen living in some other State. From Fort Morgan, at the mouth of Mobile Bay, to the port of Mobile is 18 miles.

It is a channel where it is absolutely necessary to have a trained pilot to bring a ship from Fort Morgan to Mobile. It is true that a great many of these coastwise vessels engaged in the trade up and down the coast have men or masters aboard them who are thoroughly trained and thoroughly competent to bring a vessel through the channel at Fort Morgan and carry it to Mobile Harbor without any danger, with perfect safety to the vessel, but when foreign vessels come from foreign ports to Mobile to receive the commerce that the State of Alabama carries there to have taken abroad in these ships, of necessity they have no pilot aboard or master or captain who can steer that ship from Fort Morgan to Mobile city and deliver it in safety. Therefore unless we intend to abandon our foreign commerce entirely it is necessary for us to maintain the pilotage system. Now, how can you do it? The custom the world over has been to charge the vessels that come into a port the fees for pilotage, and our people who are on the ground, who understand the situation, who know the amount of commerce, are maintaining this system of pilotage of all vessels coming there, because they find if we only charge pilotage on the foreign vessels at the rate we are charging to-day we would not get enough in return to support the system, and if we charge enough on the foreign vessels to support the system without maintaining the tax on the commerce between the States, on the coastwise trade vessels, then the tax would be so great on the foreign vessels that we would drive the foreign ships away from our harbors. I can say to you that I have no personal desire in the matter to maintain a system of compulsory pilotage, but I do want to maintain a system that will let foreign ships come into our port and carry our iron and steel and cotton to the foreign markets of the world, and I believe that if you pass this bill and take away the right to tax the coastwise vessels for pilotage, you will put the pilotage fees so high on the foreign vessels that you will drive many of them away from southern ports, and thereby prevent us from engaging in that share of foreign commerce that we are entitled to. Therefore I shall not support the bill.

Mr. SHERLEY. Mr. Speaker, I now yield five minutes to the gentleman from Florida [Mr. LAMAR].

Mr. LAMAR. Mr. Speaker, I shall vote against this bill because it is both unnecessary and unjust. If the gentleman from Maine [Mr. LITTLEFIELD] desires to prevent discrimination, excessive charges, and injustices on the part of the pilots against shippers or the shipping trade, if any there be, then let him introduce a bill here to correct those excesses and limit those tolls and not destroy at one fell swoop the entire system, built up with the approbation of the American people. I remember that upon the attempt on the part of this House to regulate railway extortionate and discriminatory rates the gentleman from Maine [Mr. LITTLEFIELD] was not so zealous in behalf of that bill as he is here in protesting against an alleged injustice done to American shipping by pilots of my State or of any other State.

Mr. Speaker, the bill is unjust from the simple fact that it destroys at one fell swoop, as it were, the property rights grown up under this system with the approbation of the American people. It has been said by the Supreme Court of the United States that the services of a pilot is as necessary to the vessel as are the services of the captain and the crew. That has been the sentiment of the American people, and to destroy it at one blow, as it were, without notice, is unjust. Will the House stand for an unnecessary act? Will it stand for an unjust act? Mr. Speaker, the men who will suffer if this bill is passed are the laboring people of the country. I have no disposition to twit the distinguished gentleman from Maine [Mr. LITTLEFIELD]. He is just out of a tilt with the American Federation of Labor. He is "still in the ring," and I shall not even suggest that he came out of that tilt "a little disfigured;" but this bill comes upon the meeting of this Congress early, swift upon its convening, and the gentleman is just out of a serious collision with laboring men, not only in his district, but all over the country.

I would not do the gentleman the injustice to suggest that the rapidity with which this bill comes forward at this time might spring, even in the slightest, out of feelings engendered by that conflict, but I will say that, holding the views that the gentleman does with regard to the propriety of this bill and its justice, it may be that his advocacy of it is accentuated a little by the scars of that conflict, recent as it has been. The gentleman from Maine, I repeat, was more solicitous, from my understanding of his words upon the railroad rate bill, to preserve those powerful discriminatory corporations from regulation by law than he was to enforce upon them the remedial statutes that this Congress finally stood for. The success of his efforts on the railroad rate bill would have been to relieve those powerful corporations from regulation by law of a strin-

gent character. But he comes here with a piece of legislation that is aimed, not at powerful corporations, but at defenseless laboring men. The American Congress in its decision between the large and powerful shipping interests of this country and the laboring interests should hesitate before it passes this bill. Not only because those interests are laboring interests, but because those interests are poor, and hence they are not capable of withstanding the immediate effect of this crushing piece of legislation, which breaks down their means of livelihood at one blow, which destroys all the property accumulated for years past by the sanction of American public sentiment. I shall vote against the bill.

Mr. SHERLEY. I will ask the gentleman from Maine to yield some of his time.

Mr. LITTLEFIELD. I yield ten minutes to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, those of us who live in the interior of the country are not concerned as to this measure in whatever way it may affect the interests of the pilots on one side or vessel owners on the other. We are really interested only as it may affect the broad national interests or the national commerce, and it is because I do believe it does affect both that I want to be recorded by my vote and by my voice in favor of the passage of this bill. It is a matter of national policy nowadays to have the interstate and foreign commerce—the commerce of this country—controlled by the national authority, and unless there be the very strongest reason and necessity for State control of any portion of it, the national authority and regulation should prevail. I have had the honor to serve six years upon the Committee on Merchant Marine and Fisheries. In my youth I lived upon the Atlantic coast and know something about maritime conditions, and from my experiences I believe that the present system of pilotage in the South, the system of compulsory pilotage, is not necessary for the protection of life and property entering those ports. If it is not absolutely necessary for State systems and control, then the general national policy of Federal control of these maritime matters should prevail. It is the only safe, fair, and progressive method of doing this business. Unquestionably the present system of compulsory pilotage under State laws is a burden upon interstate commerce, and wherever it interferes with the free movement of commerce, wherever it is an unnecessary or an unjust charge upon national commerce, Congress should remove the burden, and remove it by the enactment of just such a bill as is now before this House. The present system of compulsory pilotage also causes the grossest discriminations against the most helpless class of our maritime traffic. Under the act of 1871 ships propelled by steam were removed from the payment of compulsory pilotage in the South, leaving the whole burden of maintaining this system upon the sailing vessels and vessels in foreign trade; and if there is any one class of business that needs protection, if there is any one class of business that needs encouragement by this Congress and by the country, it is the sailing vessels of the country. Nearly every maritime nation in the world protects and encourages and develops sailing vessels in their various nations. It is by means of these sailing vessels that real sailors are made. They are the nursery for the sailors of the Navy; they are the nursery for the real protection of our country and our coasts, and it is a matter and should be a matter of broad national policy to encourage the building, encourage the maintenance, encourage the operation of sailing vessels. Now, the present system is the worst kind of discouragement, the worst kind of discrimination against sailing vessels. It discriminates against them by placing a burden on them and not on their competitors; it takes away a large portion of their earnings to support a worthy class which should be borne by the whole shipping interest or not borne by any class. For that reason, as a Member from the interior, as one who is only interested in the broad national aspect of this question, I am in favor of giving sailing vessels an equal chance with steamships on our southern coasts. It is objected strongly on this floor that this compulsory pilotage system should be continued as a matter of safety.

In the State from which I came originally they have as rocky coasts, as forbidding harbors, as hard conditions of navigation as in any part of the world, and yet they do not have compulsory pilotage there and do not need it. They have but little foreign commerce with which to maintain any kind of a pilotage system and do not need it. The conditions in the South are easier than they are on the Atlantic coast, and yet the system of doing business there is the worst sort of discouragement to those interests of navigation which ought to be fostered by this Congress and by the country. For these reasons, as a Member from the interior, I am strongly in favor of the passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. LITTLEFIELD. Mr. Speaker, how much time did the gentleman from Minnesota [Mr. STEVENS] have left?

The SPEAKER pro tempore. Five minutes.

Mr. SHERLEY. Mr. Speaker, I yield ten minutes to the gentleman from South Carolina [Mr. LEGARE].

Mr. LEGARE. Mr. Speaker and gentlemen of the House, I am very glad that after struggling for a number of years over this matter it has at last been brought into the House, where we can settle it definitely, squarely, and for all time. In discussing it, it is necessary for me to first call your attention to the fact that it is absolutely nonpolitical and nonpartisan. No branch of the National Government is asking for this legislation, no body or set of men in any part of the country are coming before you and asking for this legislation, but to the contrary, so far as I can ascertain—and believe me, gentlemen, I have followed very carefully this question for the past four years—so far as I can ascertain this bill originated with one particular individual or firm of shipowners of which he is a member, one who has followed it closely year in and year out, and one whom I heard say in the presence of the members of the Committee on Merchant Marine and Fisheries that he was the controlling owner of more than 100 sailing vessels—a Mr. Pendleton. In other words, gentlemen, you are called upon to settle a question not asked for by the Administration or by any part of the Administration, or by any one single set of men or individuals, but rather a movement which has been instigated, fought for, and lobbied for by a single firm of shipowners.

You must first understand the nature of this business and the reasons why those of us who stand here to-day representing southern ports are asking you to kill this bill. You have been led to believe that a pilot is practically a nabob who sits in his office and draws an enormous salary without doing service for it.

Gentlemen, I want to tell you that that is absolutely untrue. I am speaking now for the port of Charleston, there where we have in the neighborhood of twenty pilots, there where every commercial organization and body of business men have signed a petition asking that this bill be killed; and I am telling you not what I heard some one say before the committee, not quoting evidence delivered there, but I am telling you what I know to be absolutely true, because I took the trouble to go upon the high seas with these men and to stay with them in their pilot boats—morning, noon, and night, in clear weather and in foul—to study this question and to know whether those people in whose behalf I am speaking here to-day were doing right or wrong, and whether they were violating the law or whether they were applying it honestly and conscientiously.

In order to explain the service which they render, let me say to you that they have a sailboat, a two-masted schooner, and that vessel is required to stay at sea and look out for incoming vessels morning, noon, and night, and that they are always on watch—always on guard. Not only that, but they make soundings of our channel every day, week in and week out. Each day they drop their lead lines and make new soundings, and thus keep thoroughly posted as to the shifting of those sand-bar channels in order that they may be able to safely deliver a vessel into port. I have been with them at sea when the wind was blowing a gale. I have seen a vessel coming in, when they would take a pilot and place him in a little skiff, and taking the skiff at both ends, pitch it absolutely into the sea in order that he may get aboard of the incoming vessel, take hold of the wheel, and carry her safely into port. At no time is that harbor left unprotected.

Now, it may be true that the gentleman from Maine [Mr. LITTLEFIELD] needs no pilot. It may be true that in the northern part of this country they need no pilot. Why? Simply because they have a magnificent harbor, a rock-bottom channel, a channel which never shifts and which is the same to-morrow, next day, and next year. With us, gentlemen, it is different. My friend the gentleman from Ohio [Mr. GROSVENOR] spoke of the enormous amount of money spent for improvements by the United States Government in order to deepen, to widen, and to expand these channels. That is all true, and it is all the more necessary, therefore, I say to you, that we should guard what the Government has done. The time is not yet ripe when we can abandon those channels.

It is necessary at this time, until these channels have been further widened and completed, and not until completed can we say to any and every vessel, "Come into the harbor and you do not need a pilot;" but at the present time if a vessel grounds in my harbor and goes down there, and the sand piles up higher and higher, that harbor is forever blocked and barred. They have an instance down there now, where in cutting a channel they struck in their dredging an old schooner that had sunk there many years ago. They blew it up without any effect.

They did everything in their power to get that schooner out of the channel and make a clear channel there, but failed, and she lies there to-day, and they were finally compelled to change the course of the channel. They were compelled to go around the schooner in order to make that channel.

Now, then, gentlemen, I say you run a danger if you remove this pilot system, if you abolish the pilots, if you take them away from our ports by the passage of this law. If, in time, a vessel shall go down there the hundreds of thousands of dollars that have been spent by the United States Government will have been wasted.

Much stress has been laid on the fact that there has been discrimination between American and foreign vessels by the pilots. I want to say to you gentlemen that that was an individual case. I want further to say that if I knew there was discrimination by the pilots of this country between foreign vessels and vessels carrying the United States flag I would vote for this bill, although I knew it would destroy commerce in my community. But this is an individual case solely and simply. There is a wrong done there. There is crime committed in every association, in every profession, in every body and class of men. Lawyers often commit wrong and violate the law. Even in law-making bodies we find men who violate the law. But they have ferreted out one or two instances of wrongdoing on the part of the pilots, that which the pilots themselves, or a large majority of the pilots, are opposed to, and they astutely come into this House and say that this great wrong has been committed, hold it up to you to arouse your patriotism, your prejudice, and your enthusiasm by telling you that they are discriminating in favor of foreign vessels. Gentlemen, as a matter of fact that is absolutely untrue, except in this individual case, which was ferreted out and corrected.

I understand that the gentleman from Wisconsin [Mr. MINOR] has spoken in favor of this bill and enthusiastically urged its passage. I want to say to you, gentlemen, that this fight has been going on for years, and up to the last session of Congress the gentleman from Wisconsin [Mr. MINOR] was one of the strongest opponents of this bill. I want to read the report made in 1900 by the gentleman from Wisconsin [Mr. MINOR]. I want to quote some language that he then used to you. In fact, I can use no stronger language, I can use no better language, I can use no stronger logic and reasoning to you as to why this bill should not pass than the very language of the gentleman from Wisconsin, who was opposed to this bill up to one year ago. In making his report he said:

Under the fostering care of the several States, by virtue of the recognition by Congress of the pilotage laws thereof, a system of pilotage has grown up that is almost perfect. The pilot laws of the several States will be found in the report of the Commissioner of Navigation for 1885 (Treasury Department Document No. 756), and a most cursory examination of these laws will demonstrate that all that human ingenuity can devise has been devised to render the pilots what they should be, viz, competent, capable, painstaking, careful men, thoroughly acquainted with their respective bars and harbors, able to navigate, without danger or risk to the lives and property intrusted to their care, all vessels seeking to enter or leave their respective ports.

This fell from the pen of the gentleman who addressed you in favor of this bill this morning. He went on to say:

The charts issued by the Coast and Geodetic Survey, while probably correct at time of issue and publication, become uncertain and unreliable—

And, gentlemen, that is true. It was true then when the gentleman from Wisconsin wrote it, and it is true to-day—

The charts issued by the Coast and Geodetic Survey, while probably correct at time of issue and publication, become uncertain and unreliable in those sections of our common country where the bars and channels are of sand, which is constantly shifting and changing by reason of the force of tides and wind.

He says that—

A sand bar is constantly changing, and the only protection to lives and property in navigating thereover is the accurate knowledge of the condition thereof, acquired by constant soundings and observations, which are by the several State pilotage laws required to be made by the pilots.

He also says:

Under the pilotage system as it now exists the pilots constitute the coast guard necessary to commerce, and in addition thereto they always cooperate with the quarantine authorities in maintaining efficient quarantines, to the great benefit of the public health. This cooperation and the value thereof have at all times been recognized by the Marine Hospital Service.

He goes on to say—

This bill—

And mark you, gentlemen, what he said then is true to-day. It is the same bill, almost in the same words, and he tells you that—

This bill proposes to destroy this system and to take the control of this important service from the hands of those most interested in its efficiency, by whom it has been brought to its present satisfactory condition—

Listen, gentlemen, to what the gentleman from Wisconsin said then—

and to confide it to those who, whatever ability they may have in other respects, can not be said to have had any experience whatever with the duties and requirements of this important service.

Mr. LITTLEFIELD. Mr. Speaker, will the gentleman allow me a moment?

Mr. LEGARE. Certainly.

Mr. LITTLEFIELD. Will the gentleman be kind enough to give the date of that report?

Mr. LEGARE. 1900. The gentleman from Wisconsin [Mr. MINOR] signed a similar report in 1896. This is the language that he used in 1900.

Mr. LITTLEFIELD. Did the gentleman hear the statement made by the gentleman from Wisconsin [Mr. MINOR] giving the reasons why he had changed his views in connection with that matter?

Mr. LEGARE. Well, I suppose the gentleman had to give some reason.

Mr. LITTLEFIELD. I beg the gentleman's pardon. I simply asked if he had heard the statement of the gentleman from Wisconsin.

Mr. LEGARE. I did not listen very particularly.

Mr. LITTLEFIELD. Well, that is all, if the gentleman did not listen.

Mr. LEGARE. I suppose the gentleman from Wisconsin had to give some reason, but it does seem to me that it would take a very strong reason—

Mr. BARTLETT. Better reasons than he gave.

Mr. LEGARE. It will take a very strong reason to change, in this short time, from that report and to advocate exactly the opposite position. Not only that, Mr. Speaker and gentlemen of the House, but I believe that, no matter *what reasons* he gave here to-day, the reasons that he gave in the report from which I have quoted are stronger and better than the reasons given here to-day. [Applause on the Democratic side.] He goes on to say:

Is it not safer to continue this important matter in the hands of those who have successfully built up the system which is conceded to yield the best possible results, a system which has been evolved in the past one hundred years until to-day it is almost perfection?

"Perfection," gentlemen!

Local pride in a matter of such great importance is a powerful factor. Every seaport desires to be known not only as a safe port, but as having a safe entrance, competent pilots, and low port charges. This reputation is essential to the prosperity of each port, and the history of the operation of the pilot laws of the several States demonstrates that in the hands of the local authorities the best results have been and are obtained.

Now, then, we are not asking much of you to-day, gentlemen on the other side of this House. We of the South have had almost half a century of hard times and struggle in our effort to forge to the front once more. We have gradually built up and prospered. To-day we are in such shape that we are taking care of our commerce to our satisfaction, to your satisfaction, to the satisfaction of this entire Union. I stand here backed by every business man of any consequence and every commercial body in my town and in my district, and I say to you that we do not want this bill to pass. I say to you that down there in the State of South Carolina we know best what we need. Believe me, we are not going to turn ships away from our ports. Believe me, we want them there. We are struggling to bring them there. We know better than you know what we need down there. [Applause.]

[The time of Mr. LEGARE having expired, Mr. SHERLEY yielded to him five minutes.]

Mr. LEGARE. We know better than you know what we need down there. We are studying these matters and are in touch with them from day to day.

Our legislature passed upon this particular matter. We are yearly framing laws to govern this matter, and from time to time we have made pilotage lighter through our laws. In time, gentlemen of the House, we will take away the pilotage, but let us be the judges. Do not come down there and try to crush any enterprise that we are trying to build up. That is all we are asking of you.

I want to say that, as a matter of fact, I can better give an exact summary of the reasons why this bill should not pass by using the language of the gentleman from Wisconsin [Mr. MINOR] who this morning so ably advocated the opposite side of the question, but who a short while back, when with us in this matter, said in his report that the bill should not become a law because—

First. The measure is opposed to the settled judgment of Congress as exhibited by our legislative history from August 9, 1789, to the present time.

Second. We believe that this bill, if passed, would tend to endanger life and property by the abrogation of the wise provisions of the laws

of the several States governing the duties, obligations, and liabilities of pilots appointed under the law.

Third. The proposed legislation would entirely overcome the pilotage system in the United States, and would leave many ports without pilots.

Fourth. All of the shipowners and marine underwriters who have expressed themselves to the committee are opposed to the measure, and their views are entitled to great weight.

Fifth. The Steamboat-Inspection Service is now overburdened, and, as an entirety, is without knowledge as to the requirements in regard to bar pilots at the several ports.

Sixth. The system of pilotage is best controlled and governed by those residing in the community contiguous to the place where the piloting is to be done, and it can not intelligently be governed, controlled, and regulated from a distance.

Seventh. No reason whatever is assigned for the overturning of the present system, which has proved, and is now proving, itself entirely satisfactory to all interested in ships and shipping.

Now, gentlemen of this House, I want to say to you that I am standing here and asking you to allow us to settle this question down there in the South for ourselves. Believe me that we will not turn any enterprise from our doors. To the contrary, we are reaching out all the time, trying to build up our commerce, both foreign and native. I say, further, that whenever you hear of these great charges made by the pilots' association, whenever you hear about how they are fleecing the poor shipowner, I want to say that that is in each instance a violation of a State law, a crime, an offense in violation of the law of the State in which it is done; that all these things are regulated by the laws of our State and of other States. You hear of enormous charges. Why, if a vessel owner stands idly by and permits a single individual pilot, or a bunch of pilots, in any part of the country, to violate the laws of his State and rob him of that to which they are not entitled, he deserves to be robbed, for he has his redress in the courts of the land. You might as well tell me, because some Member of Congress went out here and committed a crime, that we should destroy this great American system of government; that we should do away with the Congress of the United States and the Senate because some one member commits a crime in some part of the country.

Gentlemen, do not listen to or be carried away by the statement that in an individual case some pilot, or some one or two or more pilots in some sections of the country, violated the laws of his State and of the country and made an overcharge or discriminated against American vessels. Believe me when I tell you, in conclusion, that I myself, as opposed as I am to this bill, would be the first man in this House to vote in its favor if I thought for a single instant that these pilots were as a mass or a whole discriminating against American vessels carrying the Stars and Stripes. [Applause.]

Mr. LITTLEFIELD. Mr. Speaker, I now yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I want to read a statement made by a company of Charleston, S. C., which manufactures and ships from 120,000,000 to 130,000,000 feet of lumber annually and operates systems of vessels, barges, and tugboats on a large scale:

ATLANTIC COAST LUMBER CORPORATION,
Georgetown, S. C., January 10, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.

DEAR SIR: We wired you to-day as follows:
"As manufacturers, shippers, and owners of vessels and steamers we desire to state that we favor the passage of the Littlefield bill abolishing the compulsory pilotage bill, as same works a hardship, injures business, and is unnecessary," and now beg to confirm same.

We not only manufacture and ship from 120,000,000 to 130,000,000 feet of lumber annually, but also operate steamers, vessels, barges, and tugboats on a large scale. To our minds the compulsory pilotage system entails an unnecessary expense each year which we have to pay on account of the toll levied upon the vessels, barges, and steamers, whether they use the pilotage or not. This system is a relic of the old days and has lost its usefulness, having originated when we had no improved harbors or coast surveys or modern light-houses. Its necessity for existence having now ceased, its usefulness also, it has decidedly become a menace rather than a benefit. In canvassing our local shippers we find that they, with the marine insurance companies, favor the Littlefield bill enthusiastically. We sincerely trust that this bill may be favorably reported by your committee and passed by the Congress.

Yours, very truly,

ATLANTIC COAST LUMBER CORPORATION,
By RAYMOND S. FARR, General Manager.

BRADLEY, S. C., January 11, 1906.

Hon. CHAS. H. GROSVENOR, Washington, D. C.:

I indorse the opinion that compulsory pilotage on coasting vessels is unnecessary and greatly cripples business. We earnestly desire passage of Littlefield bill to abolish same.

F. P. RUSH.

CHARLESTON, S. C., January 10, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Compulsory pilotage coasting vessels means 20 cents per thousand feet loss to us, against Georgia shippers. We want Littlefield bill passed.

ANDERSON LUMBER COMPANY.

LUMBER, S. C., January 10, 1906.

Hon. CHARLES H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill abolishing same.

THE WILLIAMS & McKEITHAN LUMBER COMPANY.

GEORGETOWN, S. C., January 11, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We ship 15,000,000 feet lumber by water annually, and strongly urge passage Littlefield bill abolishing compulsory pilotage.

GARDNER & LACEY LUMBER COMPANY.

COLUMBIA, S. C., January 10, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels.

LEAPHART LUMBER COMPANY.

CHARLESTON, S. C., January 10, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Compulsory pilotage on coasting vessels very damaging to business. Would urge passage of Littlefield bill abolishing same.

LEAPHART LUMBER COMPANY.

ALCOLU, S. C., January 9, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We strongly recommend passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. It is needless expense and no longer necessary.

D. W. ALDERMAN & SONS Co.

GREENWOOD, S. C., January 9, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We believe compulsory pilotage on coasting vessels will be injurious to business. We favor passage of Littlefield bill abolishing same.

W. J. SNEAD LUMBER COMPANY.

ELLIOTT, S. C., January 10, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Compulsory pilotage coasting vessels unnecessary and injurious to business. We strongly urge passage Littlefield bill abolishing same.

ELLIOTT LUMBER COMPANY.

SUMTER, S. C., January 10, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We beg favorable consideration of Littlefield bill abolishing compulsory pilotage on coasting vessels as of utmost importance.

ROCKY BLUFF LUMBER COMPANY.

CHARLESTON, S. C., January 10, 1906.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage coasting vessels unnecessary; injurious to business; urge passage of Littlefield bill.

A. J. BARTON.

DARLINGTON, S. C., January 10, 1906.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels unnecessary and injurious to our business. I strongly urge passage of Littlefield bill abolishing same.

S. H. WILDS, Lumberman.

SUMTER, S. C., January 10, 1906.

Hon. CHAS. H. GROSVENOR,
House of Representatives, Washington, D. C.:

Compulsory pilotage on coasting vessels is both injurious and unnecessary to business. We therefore strongly urge passage of Littlefield bill abolishing same.

SUMTER LUMBER COMPANY.

SELLERS, S. C., January 10, 1906.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coast vessels, which is an unnecessary tax on this trade.

TILGHMAN LUMBER COMPANY.

SALEM, S. C., January 10, 1906.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We understand Littlefield bill abolishing compulsory pilotage on coasting vessels will be before your committee to-morrow. Compulsory pilotage is not only unnecessary, but is a menace rather than a benefit to business. We strongly urge passage of Littlefield bill.

THE WILSON LUMBER COMPANY.

EFFINGHAM, S. C., January 10, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We are strongly in favor of Littlefield bill abolishing compulsory pilotage on coasting vessels. Is detrimental to business.

DARGAN LUMBER COMPANY.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
Compulsory pilotage on coasting vessels unnecessary and injurious to business. We approve Littlefield bill abolishing same.
BETHEA LUMBER COMPANY.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels, as it is unnecessary and injurious to business.
C. M. DAVIS LUMBER COMPANY.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
DEAR SIR: We notice that the Littlefield bill for abolishing compulsory pilotage on coasting vessels will come up for discussion before your committee this week. We want to urge the passage of this bill. We are sure that the present laws on the subject were made to suit conditions that do not exist to-day, and are now, under the changed conditions, working injury and hardship to business, particularly the lumber business.
Yours, very truly,
WM. GODFREY & CO.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:
Compulsory pilotage on coasting vessels is injurious to business and we think very unnecessary. We strongly urge passage of Littlefield bill abolishing same.
ACME LUMBER CO.

Messrs. WINTAH LUMBER COMPANY,
Georgetown, S. C.:
DEAR SIR: As compulsory pilotage on coasting vessels trading to southern points is now being fought in Congress, I would like to give my experience of thirteen years out and in of Georgetown, S. C. It is not once out of six months that I get a bar pilot outside of the bar buoy. They have no boat suitable to cruise outside, and it is only in very moderate weather or when they go out in a tug that they are seen outside of the jetties. The work is done mostly by the towboats, that have experienced captains, and the pilot takes a free ride to town, and any sailor that can steer a course can steer to follow a tug. The pilots claim that on schooners going to sea loaded they are needed on board the vessels to see that they are kept in the proper channel, and yet I have seen vessels grounded when they would put the blame all on the captain of the tug and not know themselves when the vessel was in deepest water. To prove the presence of a pilot is not necessary on a vessel—hundreds of vessels are towed up and down the Black, Pee Dee, and Waccamaw rivers, both light and loaded, both day and night, in shallow water and narrower channels than in the bay, with only their vessel crews on board, and not one vessel in fifty ever had any trouble in any way. The service of a pilot is not necessary to any vessel making this port with a good chart, and as there is a telephone system from the light-house to the city a tug can always be had, if not at the bar, in a very short time.
The expenses of towing are quite heavy, and with the additional expense of pilots makes port charges very high. The present rate of pilotage is the same as it has been for many years, and lumber freights were nearly double what they are to-day when the rates were made. And to-day we pay from \$10 to \$12 per man more for sailors, the same for mates and stewards, 25 to 30 per cent more for provisions, and the rates for stevedoring increasing almost every year. Vessel expenses are also higher, and yet we have less freights to meet their expenses. With the present business of about 12,000,000 feet of lumber per month shipped from here, anyone can readily see that it takes many vessels to carry it, and the plain facts are that we are supporting a class of pilots in comparative luxury for no services at all. Again, some ports have pilot licenses for one year. Why should we walk up to their offices and pay them from \$25 to \$200 for the privilege of handling our own vessels, when there are no better pilots than the captains who are going in and out every month for years? I think the pilotage system in this port the worst system in the South, and we are surely paying a bill for little or no services rendered. This seems to be the experience of about all the vessels coming in here, and I hope they will express their opinion on it.

A. J. SLOCUM,
Schooner City of Georgetown.
SUMTER, S. C., January 12, 1906.

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
Kindly put forth your best efforts to urge passage Littlefield bill abolishing compulsory pilotage. It is unnecessary and detrimental to our business.
H. G. McLAURIN, JR.

Hon. CHAS. H. GROSVENOR,
Dewey, Washington, D. C.:
As manufacturers, shippers, and owners of vessels and steamers, we desire to state that we favor the passage of the Littlefield bill abolishing the compulsory pilotage system, as same works a hardship, injures business, and is unnecessary.
ATLANTIC COAST LUMBER CORPORATION.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:
It is to the general interest, lumber industry especially, that the Littlefield pilotage bill be passed, and we respectfully urge your support of same.
DORCHESTER LUMBER COMPANY.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:
SUMTER, S. C., January 10, 1906.
We urge passage Littlefield bill abolishing compulsory pilotage on coasting vessels. Present system injures business greatly.
C. M. BETTS & CO.

Hon. CHAS. GROSVENOR,
Washington, D. C.:
TIMMONSVILLE, S. C., January 10, 1906.
Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill about abolishing it.
TIMMONSVILLE LUMBER COMPANY.

Hon. CHAS. H. GROSVENOR, M. C.,
Washington:
WALHALLA, S. C., January 10, 1906.
The passage of Littlefield bill to prevent compulsory pilotage and posting vessels will locally benefit business of this section.
BROWN LUMBER COMPANY.

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
SUMTER, S. C., January 9, 1906.
Think compulsory pilotage on vessels unnecessary and hurtful to business. Sincerely hope passage of Littlefield bill will be effected.
JNO. H. SIZER LUMBER COMPANY.

Hon. CHAS. GROSVENOR,
Washington, D. C.:
MANNING, S. C., January 10, 1906.
We are opposed to compulsory pilotage on coasting vessels, and will be glad to see the Littlefield bill passed abolishing same.
THOMAS & BRADHAM.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:
GREELEYVILLE, S. C., January 10, 1906.
We consider compulsory pilotage of coasting vessels unnecessary and injurious to business, and strongly urge the passage of Littlefield bill abolishing same.
MALLARD LUMBER COMPANY.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:
HARTSVILLE, S. C., January 12, 1906.
Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill.
LEE & TILLOTSON.

Hon. C. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
SUMTER, S. C., January 13, 1906.
Compulsory pilotage unnecessary on coasting vessels. Do all possible to pass Littlefield bill abolishing same.
PENNSYLVANIA LUMBER CO.

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
WISACKY, S. C., January 11, 1906.
Urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. I deem bill wise and helpful to business.
ROBT. M. COOPER.

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
ALCOLU, S. C., January 10, 1906.
DEAR SIR: We have wired you as follows:
"We strongly recommend passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. It is needless expense and no longer necessary."
The present compulsory pilotage system seems to be doing neither manufacturer, shipper, shipowner, or the consumer any good, but all of whom seem to be paying their pro rata share of this unnecessary expense in the high freight rates, which could be reduced if this toll were removed.
Under the present improved conditions of our harbor it would seem that there is no longer any necessity for this expense, and we sincerely hope that it will be abolished.
Yours, very truly,
D. W. ALDERMAN & SONS CO.,
By R. J. ALDERMAN, Treasurer.

CHAS. H. GROSVENOR,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.:
RICHMOND, VA., January 10, 1906.
The Richmond Chamber of Commerce is absolutely opposed to the existing pilot laws of Virginia, and has endeavored frequently, but in vain, to have them suitably amended to present conditions. Falling in that effort, it has favored Federal control of the question of pilotage, recognizing that it is a matter properly within the jurisdiction of the General Government, and that the States exercising the function of control in most instances have regulated it in the interests of monopoly and to the serious detriment of the commerce of the country, both foreign and coastwise.

R. A. DUNLOP,
Secretary the Richmond Chamber of Commerce.
Mr. LEGARE. Will the gentleman yield for a statement?
The SPEAKER pro tempore. Does the gentleman yield?
Mr. LITTLEFIELD. Well, I would suggest to the gentleman from South Carolina that he make it in his own time.
Mr. SHERLEY. Mr. Speaker, I yield to the gentleman five minutes, or so much time thereof as he may require.

Mr. LEGARE. Mr. Speaker, in answer to the statement made and the letters read by the gentleman from Ohio [Mr. Grosvenor] I want to say I investigated those letters. I received several such letters myself. They are signed by lumber people here and there about South Carolina, and those lumber people ship their lumber in vessels owned by this very gentleman, Mr. Pendleton, who has been agitating and lobbying this matter through for several years; they ship their lumber in his vessels. I investigated some of the letters particularly. The gentleman read one from Davis Station. I wrote to a gentleman in Davis Station and asked him why he had written me the letter—he, too, is a lumberman—and I told him my reason why I was opposed to this bill. He wrote me back that he had never signed such a letter; that it was a forgery. I have his reply. I suppose that all of them were sent out in the same way, originating with this shipowning company, sent to the same people, and we all know that the vast majority of people will sign almost any letter and send it to their Congressman.

Mr. GROSVENOR. Does the gentleman from South Carolina say that these telegrams that I have just read are all forgeries?

Mr. LEGARE. Oh, no; not by any means. The vast majority have been signed and sent to me and to him.

Mr. GROSVENOR. One of them, the gentleman says, wrote that he never signed such a letter. Well, he did not send any letter at all. He sent a telegram.

Mr. LEGARE. I got a letter from him myself, and he wrote me that he had never signed that letter; that somebody else signed his name, and that it was a forgery. Who inspired the telegram? Why was there such a hurry?

Mr. GROSVENOR. I will state that I feel sorry to find that in the State of South Carolina there are such a set of rascals as that.

Mr. LEGARE. Oh, well, the gentleman from Ohio [Mr. Grosvenor] published a paper last year telling about a lot of rascals in another State in this Union—his own. [Applause and laughter.]

Mr. LITTLEFIELD. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. Minor].

Mr. MINOR. Mr. Speaker, I desire to say to the gentleman from South Carolina [Mr. Legare], who has just been addressing the House, that if he was present when I opened the few remarks I submitted on this question this morning he knows as well as other Members of this House that I frankly stated that I took the other side of this question in the beginning. I took the other side of this question in 1896, in 1898, and in 1900. I did not change my mind, nor think of changing my mind, until the gentleman's own constituents changed their minds and said that this system was not any longer necessary. I did not change my mind until the War Department, the Navy Department, and the insurance companies reversed their positions, for the reason that the harbors of the South are pronounced to be as good as the harbors of the North, and that we need no pilot system of this kind there, and it is not believed that we need any such system in the South Atlantic States. That is the universal judgment submitted to this House by letters and telegrams from manufacturing interests in the gentleman's own State and city.

Mr. LEGARE. Will the gentleman yield for a moment?

Mr. MINOR. No; I have only three minutes. I want to say further to the gentleman that outside of this Chamber there is not a southern Member of this House who will not advertise to the whole United States that they have the best harbors, or equally as good harbors, as any in the Northern States. If that be true, why is it that the Northern States do not inaugurate this system; and if it is not true, then what are you talking about? Mr. Speaker, finally I want to say to the gentleman that I did sign that report and that it is the strongest presentation of his side that has been submitted to-day; and what he has read from my report is the valuable part of his speech. I was right in my position then, and I am right in my position to-day, notwithstanding the fact that the gentleman attempts to tear that report to pieces, but uses it to justify his position now by my position taken eleven years ago. I am just as earnest in my conviction now as I was when that report was drafted and I signed it. I saved the pilots on this floor in 1896, and the pilots themselves know it, and I believe I was right in doing it; and I am just as earnest for the passage of this law now when the necessity no longer exists for the continuance of this graft system as I was when I signed that report. Wise men with sufficient reasons will change their minds, and there is another class of men who never change them. [Applause.]

Mr. LEGARE. Mr. Speaker, I just want to say that I accept the gentleman's apology; that is all.

Mr. MINOR. Mr. Speaker, I ask unanimous consent to add a statement prepared at the Department of Commerce and Labor by the Commissioner of Navigation, showing the increase

of entrances and clearances of vessels engaged in the foreign trade to and from the southern ports where this unjust system prevails. Let it be understood that under existing law vessels, both steam and sail, must pay a pilot when entering ports of the United States, if they are engaged in the foreign trade. We are making no objections to this, but we do strenuously object to the levying of this tribute on the American sailing fleet.

Combined entries and clearances in the foreign trade.

Port.	1874.		1884.	
	No. of vessels.	Net tonnage.	No. of vessels.	Net tonnage.
Norfolk and Newport News.....	115	69,345	146	131,572
Savannah.....	586	294,722	547	326,739
Charleston, S. C.....	290	113,540	505	246,652
Pensacola.....	525	353,362	898	571,784
Mobile.....	194	102,788	407	233,316
New Orleans.....	1,503	1,089,782	1,577	1,368,091
Galveston.....			402	259,035
Brunswick, Ga.....	304	151,898	479	235,341
Total.....	3,467	2,175,387	4,961	3,372,530

Port.	1894.		1904.	
	No. of vessels.	Net tonnage.	No. of vessels.	Net tonnage.
Norfolk and Newport News.....	437	627,701	530	1,061,788
Savannah.....	648	552,176	311	492,088
Charleston, S. C.....	236	198,427	74	94,053
Pensacola.....	871	793,058	772	1,130,385
Mobile.....	842	407,368	1,515	1,182,852
New Orleans.....	1,806	2,063,789	1,903	3,064,909
Galveston.....	408	527,592	821	1,786,733
Brunswick, Ga.....	376	290,379	266	254,107
Total.....	5,624	5,460,490	6,192	9,066,915

SOME OF THE REASONS WHY H. R. 5281, A BILL TO REMOVE DISCRIMINATIONS AGAINST AMERICAN SAILING VESSELS TRADING BETWEEN THE STATES, SHOULD BECOME A LAW.

1. It removes a heavy and unnecessary burden from trade between the States.
2. It completes the act of 1871, giving to American sail vessels in the coasting trade (as said act gave to steamers in that trade) the right when in charge of United States pilots, to enter and leave American harbors without paying for additional State pilot services neither rendered nor required.
3. It gives the coasting sail vessels the same rights in the harbors between Norfolk and Galveston that they already have on the Pacific coast, the Great Lakes, the Atlantic coast north of Virginia, and on all American rivers.
4. It stops an unnecessary and heavy drain of pilot taxes which are discouraging the building of medium-sized sail vessels, and thus destroying the class of carriers to the disadvantage of shippers and consumers which from their size are essential to the business of these ports.
5. It in no way interferes with the general pilot system of the country, which applies to all vessels in the foreign trade, but merely provides that American sail vessels engaged in trade between the States, when in charge of a duly licensed United States pilot, or in tow of a tug, which under existing laws must have two such pilots on board, may enter and leave these ports, as they do in other parts of the country, without paying for additional State pilots not employed.
6. It provides that these sail vessels must either have a United States pilot in charge or must accept and pay for a State pilot, thus insuring all safety to life and property. Every marine insurance company that has expressed an opinion on the bill favors it.
7. It is an exercise of power specially granted to and previously exercised by Congress and removes a manifestly unjust discrimination against American sail vessels in the coasting trade.
8. Steamers and sail vessels are on a perfect equality as to pilotage in the foreign trade. Why should sail be discriminated against in the coasting trade, hampering traffic between the States?
9. The total amount of these unnecessary pilot taxes collected since Congress relieved steamboats of this burden is greater than the present value of the entire Atlantic sail fleet to-day.
10. Ten years ago we had 35 per cent more sail tonnage in this trade along the Atlantic coast than we have now, while during that same period the same class of shipping on the Pacific coast, where there are no compulsory charges, has increased 100 per cent.
11. Steamboat corporations that make through rates on freight with Southern railroads have always opposed this bill, because the coasting sail vessels, if they were relieved of these heavy pilot charges, which often amount to more than the net earnings of a voyage, would compel these steamers to reduce their present freight rates.
12. If it be said that State pilots are necessary for these coasting sailing vessels, then the abolishment of this compulsory feature will not affect the income of the pilots, for they will be employed just the same, and under this proposed and also existing law they must be paid the full regular fees. But if it be said that the abolishment of this compulsory feature of the law will impair or destroy their pilot system, it is a complete admission that these State pilots are not required by these coasting sail vessels, because if they were they would be employed, and if not needed or employed, why should they be paid?
13. The pilots themselves state that they will relieve the coasting sail vessels of these burdens as soon as the fees from vessels in the foreign trade are large enough to satisfy them, a clear recognition of the fact that these compulsory pilot charges are levied not for the protection of the vessels so charged, but for the pilots.
14. In ten southern districts, viz, Norfolk and Newport News, Va.; Charleston, S. C.; Savannah, Ga.; Key West, Fla.; Pensacola, Fla.; Mobile, Ala.; Mississippi, New Orleans, and Galveston, Tex., the net

tonnage of vessels entering and clearing in the foreign trade was as follows:

1874	2,195,418
1884	3,363,643
1894	5,700,382
1904	9,884,008

The percentage of increase from 1874 to 1904 in these ten southern ports was 350 per cent, while the increase at all other seaports of the United States was 115 per cent. The expenditures by the Government for improvements of harbors and approaches at the above-named ten ports amounts to \$39,451,979.59.

15. The entrances and clearances of tonnage engaged in the foreign trade alone at those ten ports above named is now much larger than was the tonnage of vessels engaged in the foreign trade, together with the coastwise sailing vessels, there in 1894, is twice as great as was that combined tonnage in 1884 and three times as great as was that combined tonnage in 1874—and yet the pilot system existed all right during those years.

16. More than 80 per cent of the ports of the United States have no compulsory pilotage in the coastwise trade, and more than 75 per cent of these ports have far less foreign business than these Southern ports, yet there is no lack of pilots when required.

17. If a general system of pilotage were required it is obviously unjust to compel the class of carriers which do not require it to maintain it, while their competitors go free; and it is manifest that any unnecessary charge on transportation is a burden which affects producers and consumers alike and ought not to exist however much it may be favored by men who desire unearned incomes.

18. In view of the fact that the Federal Government has appropriated and expended such enormous sums to improve these southern harbors, making them ample in size, channels sufficient in width, and deep enough to float all classes and sizes of vessels that enter and clear at these ports, it is evident that the necessity no longer exists of compelling sailing vessels in the coastwise trade that require the least depth of water to longer submit to this unreasonable levy of pilot fees. If this fact is disputed by the opponents of this bill, then it is respectfully submitted to the Congress that authorizes these princely appropriations, is it not time to consider the unwisdom of going farther by appropriating money that seems to have fallen short of accomplishing the object sought?

19. All the shippers of the South, all the lumber dealers of the North, and great commercial bodies like chambers of commerce of Richmond, Va., Wilmington, N. C., New York, and Boston all strongly indorse this bill, which is manifestly in the interest of freer trade between the States.

20. At the hearing before the Merchant Marine and Fisheries Committee on January 12, 1906, Mr. Andrew Furuseth, the official representative of the International Seamen's Union and the American Federation of Labor, stated:

"It is true in our opinion that there is a discrimination against the sailing vessels. It is also true in our opinion that the passage of this bill which is now submitted would not destroy the efficiency of the pilotage system in the different ports where compulsory pilotage is necessary."

Mr. LITTLEFIELD. Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. Mr. Speaker, I desire only five minutes. I have not had the good fortune to hear the discussion upon this bill nor time to give any considerable attention to the report, but I am strongly in favor of the passage of the measure. In the first place, it is not fair to have different regulations in different States with reference to the provisions under which boats engaged in interstate trade may enter.

The Congress of the United States makes appropriation for the improvement of harbors, and now in a majority of the States there is no compulsory pilotage under State authority. If it is a good thing to have such regulations as exist in Virginia and South Carolina it is a good thing in every State of the Union; it is a good thing not only on the Atlantic and the Gulf, but on the Lakes and on the Pacific. Now, let us see what is the logical result of the present system. By day or by night, in stormy weather or in fair weather, in channels which are broad and ample, as well as in those which are narrow and tortuous, there is in those States a law that a boat to enter the harbor must have a pilot, and must pay him. Why, to reduce it to one sentence, pilotage must be paid whether the service rendered is necessary or not, whether any service at all is rendered. Take the leading port of the South in point of tonnage, which is Norfolk. I am informed that for years a pilot has not even gone upon a sailing vessel entering that harbor, and yet in the last year \$60,000 was paid to pilots in that harbor—for what? For tribute. What is it except a levy upon commerce, an unfair discrimination against sailing vessels, an unfair collection under the authority of law by those who hold a monopoly in the harbor. Now, I am not going to argue here that we should leave in all cases to the owners of vessels the question of having a pilot or not having a pilot. There may be harbors where that may be required. But that could be worked out under national regulation by those who will act impartially for the whole country. The absurdity under the present system is the one to which I have called attention, that whether needed or not, in a broad, ample harbor or in an inferior one, the same regulation is enforced, and I submit that that is entirely unjust and unfair.

I yield back the balance of my time to the gentleman from Maine.

Mr. SHERLEY. Will the Chair announce what time remains to the respective sides?

The SPEAKER pro tempore. The gentleman from Maine has thirty-eight minutes remaining and the gentleman from Kentucky has twenty-nine minutes remaining.

Mr. LITTLEFIELD. I will yield five minutes, Mr. Speaker, to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I investigated this subject pretty carefully ten years ago. I was of the opinion then, and strongly, that this outrage upon commerce ought to be abolished, and from what I have gathered from the report of the committee—and I have had very little time to examine it—I find that the abuses which existed then have been intensified as the years have proceeded. Gentlemen say, Why not leave this whole question to the States? That it is a proper matter for the States. Why do the States improve the harbors? Do they open channels and keep them open? Do they provide light-houses? Do they provide safe entrances to these harbors? It would be just as good an argument to say it should be left to the States to maintain these harbors as to say it should be left to the States to require that a pilot should be employed whether he is of any service or not. It has been the theory of this Government from the adoption of the Constitution that there should be no taxes imposed upon commerce between the States, as in the case mentioned just now by the gentleman from Ohio of the port of Norfolk, where they charge \$60,000 a year—a levy pure and simple—upon commerce coming into that port from other ports of the Union. It is simply and is nothing else than a tax upon commerce between the States. No service is performed, nothing is done. The vessel owner pilots his vessel into the harbor, the captain of the sailing vessel sails his vessel into the harbor, but still this outrageous charge is made. Then discriminations are made in the same port; discrimination is made against the vessels coming from another State and in favor of vessels coming from a foreign country, from New Brunswick, for instance, as appears in evidence before the committee. Shall we permit this thing to go on? The Constitution authorized Congress to take charge of this matter completely, and in the act of Congress giving it to the States we reserved the right to regulate it ourselves. Now, as years have gone by it clearly appears that we should regulate it, that these charges may be uniform, that these regulations may be uniform, that there shall be no discriminations, that when a port is made so easy of access that there is no more difficulty of taking a vessel in than there is of steering a carriage up through Pennsylvania avenue there should be no tax, no levy upon vessels entering such a port.

It is not a matter simply for the State and the commerce coming into the State. It is an interstate matter. All of the States are interested. The port from which the vessels sail is more interested even than the port into which the vessel comes. Why, then, should Congress follow simply in the lead of these few men who are getting these large fees from year to year, oftentimes for services never rendered? Why not look out for the greatest good to all of the people of the United States? The time that has passed since I first studied this question has only strengthened my conviction that it is the duty of Congress to remove these barriers from commerce by passing this bill.

Mr. LITTLEFIELD. Mr. Speaker, I reserve the balance of my time. How much have I left now?

The SPEAKER. The gentleman from Maine [Mr. LITTLEFIELD] has thirty-four minutes remaining.

Mr. SHERLEY. Mr. Speaker, I yield to the gentleman from Illinois [Mr. WHARTON] five minutes.

Mr. WHARTON. Mr. Speaker, I come from a district which does not hold human life cheap, and I believe that all protection and safeguards possible which can be given to those wayfarers on the high seas, even though it cost a little money, should be given, and I believe that the people who are interested in the passage or defeat of this bill are the people who own ships and the pilots who are guiding the ships into the harbors of these ports. I believe that the man who takes his life in his hands and is compelled to go out there on the high seas in stormy weather at the call of duty, which is always dangerous, to safely guide the ships to a haven of safety, is worthy of his hire and is entitled to some compensation. This is a matter which is of interest peculiarly to the people of one locality, and the people of one locality have decreed by their legislatures that it shall be managed in this way, and if there is any desire for a change on the part of those people, it seems to me that it can be done nicely in the same legislature that created the laws. Yet they now come to this Federal body of lawmakers and ask them to make laws governing the entrance of ships into these harbors and against the expressed will of the interested States. I believe the place to govern this matter is back there in the locality which is most interested and who have the power to repeal the law if it is unpopular. And there is only one reason to my mind why I

should be turned against my honest convictions concerning this bill, and that is that the agitation against its passage is favored by that arch enemy of the principles of veracity, that arch demagogue and liar, Samuel Gompers, who willfully and maliciously misstated and falsely misrepresented my attitude and vote on the eight-hour proposition in connection with the Panama Canal last session. But I have decided not to let that interfere with my position upon this question, but to vote as my honest convictions demand and as I believe the rights and exigencies of this case demand. If anybody is interested in legislation such as proposed and desires to have this law repealed and a new one enacted, they should go back there to the legislature which created the law. I believe in the best possible protection to shipping. And the man who is a passenger on a boat at the mercy of wind and weather should be given the best protection possible, and that protection can best be given by the pilot who knows the condition of the harbor, the man who has made a lifelong study of the conditions of that particular harbor into which he has to pilot these ships. I believe that he, and not the master of the schooner, who may know nothing at all of the conditions of the harbor, should be the one to guide and pilot that boat to safety, and for that reason I will vote against this bill and in the interest of honest labor and protection to human life. I thank you. [Applause.]

Mr. MAYNARD. Mr. Speaker, the attacks that have been made upon the pilotage system by the advocates of this bill have been chiefly directed at the system of pilotage maintained at the port of Norfolk, in the State of Virginia. And I want to say that I am surprised at the ignorance I find prevalent upon the floor among the Members as to the fixing of pilot charges in the various States. I have heard it boldly asserted by the advocates of the bill in conversation upon the floor of the House that the pilots fix their own fees. I want to say, Mr. Speaker, even if this were true, the gentlemen who contend that the pilots fix their own fees when a client comes to them with a case charge for their services and fix their own fees. When they make an arrangement to deliver a lecture at Chautauqua they fix their own fee, and it would not be unjust if pilots, for the service they render, did fix their own charge, which would be just and adequate. But I want to correct the impression that seems to prevail here that this is true. The pilots of Virginia and the pilots of the other southern ports are not a band of highwaymen upon the high seas holding up the commerce at the point of a gun, demanding unlawful tribute for the services they perform.

I have here the Code of Virginia, which fixes the rate of pilotage, and in another section—section 1985—"penalty on pilots for receiving unlawful fees." It says:

If a pilot demand or receive for any service less than the lawful fees, he shall forfeit the amount of the lawful fees, which may be recovered by any person who will claim the same, by warrant or by motion, one-half of which recovery shall be paid to the board of commissioners, and may, moreover, be suspended by said board not exceeding six months. If any pilot demand and receive greater fees than are allowed by law, he shall forfeit to the master or owner double the amount of the fees paid to him in any such case, to be recovered in the same manner.

It seems to me, Mr. Speaker, that that would dispose of the rumors that have been circulated on the floor of this House that the pilots are a band of highwaymen, holding up commerce and demanding at the point of a pistol a tribute on commerce which is unjust.

I want to say, Mr. Speaker, there have been charges made in private conversation, and openly in speeches upon this floor, that the pilots of the ports of Norfolk and Portsmouth get large and extortionate fees for the service they perform for commerce—that they receive salaries aggregating anywhere, as was said by one Member, from \$5,000 to \$10,000 a year. It is easy to charge anything. Mere assertion is not proof, and if there is any man who advocates the passage of this bill on that ground, let him produce the proof as to what the pilots of Norfolk do receive. They receive nothing like this amount.

Mr. LITTLEFIELD. Will the gentleman say how much they do receive? We tried to find out in our committee, but the pilots have been very cautious to keep it to themselves.

Mr. MAYNARD. I am coming to that. It does seem to me that the advocates of this bill should have waited until they found out what these pilots in Norfolk did receive before they charge that they receive sums of between five and ten thousand dollars. I do not believe that the pilots have received anything like that sum. I do not believe they receive a sum that would amount to more than \$300 a month.

Mr. LITTLEFIELD. The gentleman says that he does not believe. Has he got any information? Now, that is just exactly where they have been on this proposition; everybody said they did not believe it. Now, do you know what it is?

Mr. MAYNARD. I said I do not.

Mr. LITTLEFIELD. Oh, I see.

Mr. MAYNARD. But I heard the charge on the floor.

Mr. LITTLEFIELD. Now, I will tell you what Congressman WACHTER, from Maryland, said they received—

Mr. MAYNARD. I have not much time.

Mr. LITTLEFIELD. I beg your pardon. I was informed by Mr. WACHTER last year they did receive \$9,000. Now, that comes nearer to being information than anything you have. That is all the information we have.

Mr. MAYNARD. You say that Congressman WACHTER told you that they received that amount?

Mr. LITTLEFIELD. Congressman WACHTER said that he was told that they received \$9,000 a year.

Mr. MAYNARD. Did he say that he knew that as a fact or as a rumor heard in the lobby?

Mr. LITTLEFIELD. He gave that as some information he had received in Baltimore. I do not believe that it originated with him.

Mr. MAYNARD. Any statement that Congressman WACHTER would make on his own knowledge I am ready to believe; and I am prepared to believe now—and I am sorry Congressman WACHTER is not present so that he could answer here—I am prepared to believe that if he were here he would tell this House that that was his belief, based on the rumors heard around the lobby and from reports of rumors going around the lobby about Virginia pilots getting that, and not that it was a matter that he knows of his own knowledge.

Mr. LITTLEFIELD. Well, I stated that the gentleman from Maryland [Mr. WACHTER] had said that he got his information in Baltimore, and not around the lobby. What disposition will you make of that part of it?

Mr. MAYNARD. I come from the home of the Virginia pilots, and I have not been able, I state frankly, to say just what they have received, but probably the people of Baltimore know more about that than the people of Norfolk. But I do not believe they know it; I do not believe they get anywhere near that sum. I do not believe what they do get will average \$300 a month.

Mr. SHERLEY. Mr. Speaker, I yield ten minutes to the gentleman from Florida [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. Speaker, this is a measure that ought not to pass this House. Its avowed purpose is to destroy compulsory pilotage on coastwise sailing vessels. Its effect will be, if it becomes a law, to destroy the splendid pilot systems at many and to seriously cripple them at other ports in all the Gulf and the Atlantic ports south of Norfolk, Va.

Now, I had supposed it would not be necessary for anyone at this late day to stand upon this floor and urge the importance to commerce of the pilot systems of the South or anywhere else in the country; but I understood the gentleman from Ohio [Mr. GROSVENOR] to say a little while ago (and, if true, that would really be the only ground upon which this legislation could be justified) that there was no further use whatever for the pilot anywhere in the country. The other gentleman from Ohio, however, admitted that there was use for them, perhaps, in some of the ports, without mentioning the ports so in need of them.

Now, Mr. Speaker, gentlemen ought to know that notwithstanding the various ports throughout the country have been, many of them, very greatly improved by deepening and widening their channels, yet pari passu with the improvement of those harbors the vessels entering them have also been increased in tonnage and draft, rendering the difficulties of navigation, so far as these larger vessels are concerned, as great as before the improvements were made, so that there is as great necessity for pilots in the navigation of those harbors as at any time in their commercial history. The gentleman from Maine [Mr. LITTLEFIELD], however, would not, perhaps, seek to justify his action upon any such grounds.

He will probably, as heretofore, base it upon the ground that the foreign shipping would be sufficient in these South Atlantic and Gulf ports to keep up the pilot systems there. I want to say to you that in my judgment that will not be the case, that while in two or three of the ports to be affected by this bill these pilot systems can perhaps be maintained by foreign shipping, Wilmington being one of them, in all the others they will either be destroyed absolutely or seriously crippled, as the pilotage on foreign shipping alone will not be sufficient to sustain them.

Now, why was the law changed so far as steamboats were concerned, as it was in 1871? The reason was that the steamboat does not need the use of a pilot as much as a sailing vessel. Another reason was that it costs more to run and operate a steamboat, seven or eight times as much, than it does to operate a sailing vessel, thus giving, it was no doubt thought, the sail-

ing vessel a great advantage of the steamboat, and the idea no doubt was to place them more nearly upon an equality by exempting coastwise steam vessels from compulsory pilotage. No one, perhaps, dreamed that the passage of that law would discriminate against sail vessels, and in my judgment there was none, nor is there any now. In my opinion the removal of compulsory pilotage from steam vessels did not begin to equalize the advantages the sailing vessel had and still has over the vessel propelled by steam.

I had occasion to submit some remarks upon the floor of this House last session on this bill and to deal at some length with this feature. The contention was then being made as now that the sailing vessel running into these southern waters was earning nothing, and could not be made to pay, and yet I called attention to a long list of sailing vessels from New England trading in these southern ports which the owners claimed were coining money and paying handsome dividends.

Now, Mr. Speaker, a remark was made by some gentleman a while ago about exorbitant charges in a few individual instances. I also either heard or saw the statement in the testimony taken at the hearings on this bill that \$140 was charged one vessel for pilotage, and that after paying that charge and other charges it had only some \$300 left to distribute among the owners. But when I looked further I found that the other charges in addition to the pilot charges amounted to \$1,700. And yet the gentleman testifying, the owner of the vessel, seemed to think his whole trouble came from the pilot charges of about \$140, as I now remember.

Now, so far as the local discrimination is concerned, the laws of the States fix the pilot charges, either directly by saying what they shall be, as in Florida, for instance, or indirectly through boards of pilot commissioners authorized by State laws to do that very thing; and, sir, I know of no State law, nor has any been pointed out, which makes or authorizes such discriminations. If, therefore, there has been any discrimination, it has been made by individual pilots here and there; and to say that this pilot system, which a gentleman now on the other side in a former Congress stated was the finest in the world, should be destroyed because, forsooth, some individual has violated the laws of his State is folly. As well might we condemn the whole penal code because a few evil-minded persons now and then should violate some of its provisions. I said to the gentleman who is pressing the bill not later than day before yesterday that if he would exhibit one-tenth of the energy he has put forth in favor of this bill in having the parties violating State pilotage laws, if such there be, prosecuted in the States where such discriminations are made, he would have no cause for complaint. But he seems to prefer to come here.

Now, Mr. Speaker, I wish to refer to just one other matter and I think I am done. Something was said about the States of Georgia and Virginia having license laws. It ill becomes the gentlemen who favor this bill to charge that up against the opponents of the measure, because it was done in the interest of the shipping of those ports. The legislatures of those States said to the shipowners: "You think you can occasionally pilot your vessels into the ports of this State, and that you may not at all times need a State pilot. Very well. But if you are to have a pilot ready when you do need him, he must be paid in some way. So if you will pay a certain amount toward keeping up the system, we will permit your vessel to come in without paying for a pilot, except when you avail yourself of his services." But this bill does nothing of that kind, and if you pass this measure, I want to say to you that when the storm comes and ships are in peril the pilot will not be there to serve them.

Let me say again, Mr. Speaker, that there is little in the matter of the harbor improvements to justify the passage of this bill. Pilots are needed, nevertheless. Take my own port, for instance, that of Tampa, where much improvement has been made, and there is not a foot of the way from the entrance of that harbor up to the dock at either Port Tampa or Tampa, a distance of 30 or 35 miles, where a ship can pass without a pilot. The channel is narrow at many places, requiring a skillful pilot all the while to take the ship to the dock and out to sea again. Then, again, at many of the ports and harbors the bars are constantly shifting, requiring soundings daily to determine the condition of the channel. [Applause.] I now yield back the remainder of my time.

Mr. LACEY. Will the gentleman from Florida answer one question before he sits down?

Mr. SPARKMAN. I will yield to the gentleman.

Mr. LACEY. I would like to ask the gentleman why is it that these gentlemen living in the localities where the pilotage burden is as opposed to taking it off? Does it not follow that if it is cast on your commerce the gentlemen residing in that

locality are more interested in taking it off than the people living outside or up in Maine?

Mr. SPARKMAN. Exactly, and when the time comes when it can be taken off with safety to the commerce it will certainly be done, just as it has been done by the States north of the Potomac and by North Carolina in the case of Wilmington.

Mr. SHERLEY. Mr. Speaker, I shall not burden the House with any very lengthy speech in conclusion; but, like any debate of any length, there is a tendency to get away from the real issue, and especially when it is in skillful hands, and I must compliment my friends of the opposition on the way that they have thrown their strength upon individual instances of wrongdoing without addressing themselves to the real question at issue.

There is, perhaps, no man in this House who receives, or more deservedly receives, consideration than the distinguished gentleman from Ohio [Mr. BURTON], the chairman of the Committee on Rivers and Harbors. So I was glad to hear him say in his opening remarks that he had not looked into this matter, but that he simply spoke his impressions, because I knew what was about to follow did not properly represent the situation, and that if he had made a more complete study he himself would have seen it. It is not a case of substituting a national system for a State system. It is a case of abolishing all system in certain places or localities. The gentleman commends the bill to the House on the ground that there are to be different regulations in different places.

Mr. BURTON of Ohio. Will the gentleman allow me an interruption?

Mr. SHERLEY. Certainly.

Mr. BURTON of Ohio. The gentleman would not misrepresent my position?

Mr. SHERLEY. Certainly not.

Mr. BURTON of Ohio. What I meant and thought that I so expressed myself was that if it was necessary to have regulation in ports, they should be national regulations, but that ordinarily it was safe to leave that to the individual judgment of the owner of the boat.

Mr. SHERLEY. I answer the gentleman by saying that when he brings in a bill providing for national regulation we will meet that issue, but it is premature now. The present bill does not undertake to substitute any system. It does permit the licensing of pilots and giving them permission to carry ships into all ports without employing special pilots. Does the gentleman believe for an instant that the men at the head of the Navigation Bureau have themselves the knowledge to determine by examination whether any particular pilot, who may be a very good pilot on the high seas, has the peculiar local knowledge necessary to carry a ship into a tortuous channel?

Now, the fact is that in the State whence this bill originates and where its chief champion lives they have pilots, because they know, as every man of sense must know, that you are bound to have pilots under certain conditions. They do not need to tax the coastwise trade in order to support their pilots and in order to maintain a system, because they have sufficient revenue growing out of the trade with foreign countries. Yet the South, which is not able to maintain by tax upon foreign commerce only a pilotage system, is to be denied the opportunity and the means of maintaining that system. So I say to the House that the question you are to vote upon is not whether you want a system of national pilotage; it is whether you want in the South any pilotage or not. And I have yet to see the man who is willing to stand up and say that pilotage should be done away with. Oh, a great fuss is made about individual abuses. I think they ought to be corrected.

I believe that if some of the gentlemen who have been so active in lobbying for this bill here would turn their energies to some of the State legislatures they would find, if the abuses they speak of exist, that they would be remedied. But are you going to punish those States, are you going to punish those communities where they have a proper system of pilotage because somebody else does not happen to have a good one and because the law is violated? If violation of the law is justification of a change of law, we will have to write our entire statute law over again. The appeal is simply made on behalf of a certain class of shipowners. The sailing-vessel owners complain of a discrimination. If I were the owner of a sailing vessel I would come to Congress asking a repeal of the law that exempted the steam vessel from pilotage charge rather than undertake to be exempted myself.

To-day there are no people who are better protected than the sailing-vessel owners. They have no competition practically by the steam vessels, because the two engage in carrying different kinds of freight, one carrying fast freight where certainty of speedy delivery is necessary, the other carrying slow

freight, where it is not necessary; and any man knows, and the testimony will show, that the sailing vessels can more than hold their own. They can carry more cheaply than the steam vessels, and the fact that they have been able to bring such powerful influences to their aid, to get so many large lumber people back of them, is evidence of their wonderful prosperity.

But the argument is made that because there is a license system—and, by the way, the license system applies only in certain of the States and not all—therefore you must abolish pilotage. I do not believe in the license system, but how did it come about? These very men who to-day are using it as an argument are the men who got it introduced. They said: "Our pilots have the particular knowledge necessary, and we are willing to take the risk, and if you will let us pay a license it will be satisfactory." Now, one of the reasons for taxing the coastwise trade at all is because the foreign trade is not sufficient to pay for the support of the pilots and pilotage system, and so these States, unwisely, I think, but still at the instance of the very men who are advocating this bill, agreed to permit licensing some of them and thus help to maintain the pilotage system. This condition would then arise, that while in fair weather and under ordinary circumstances by paying a license they could come in without harm, yet the paying of that license, together with other pilotage charges enabled a pilotage system to be kept up, so that in fair season and foul pilots were always there on the bar ready to take these vessels in, and when storm came and stress of weather that made pilots necessary the licensed ships had the advantage of having a pilot there.

Why, the logic of the gentleman's argument would go to the abolition of every system of fire protection in the land; that because a man did not have a fire every day and did not have need of a fire engine and its company, therefore he should not be taxed. He is taxed because it is necessary for them always to be ready, day and night. And so the shipping entering into a port is taxed because it is necessary in order to maintain a pilotage that may be ready day and night, fair weather or foul. In closing this debate I hope the Members of the House will bear in mind the real issue. I know the distinguished gentleman from Maine [Mr. LITTLEFIELD]; I know the wonderful advantage he has in a closing argument. I know how enthusiastic he is about this particular bill. It has been brought close home to him. I do not object to that; but during his ingenious argument I wish you to bear in mind that you are not substituting one system for another; you are abolishing a system.

Bear in mind that you are denying to the Southern States what was given to Maine. As long as Maine was struggling, as long as her foreign commerce did not yield enough to maintain a pilotage system, she taxed the coastwise trade, and so did all the other Northern States; but when in the fullness of their prosperity they reached a point where they did not have to do it they abolished it. And why? Out of magnanimity? No; they abolished it because every community and every section that is intelligent wants to do away as rapidly as it can with any impediment upon trade or freedom of trade. The South is anxious to get away from any hindrance and will do it when she can, but she asks you to-day not to hold her up and say because of an abuse here or an abuse there, that can be corrected by the States in which they exist, that you are going to deprive her of the only means she has got for the continuance of a pilotage system necessary for the preservation of life and property. [Applause.]

Mr. LITTLEFIELD. Mr. Speaker, in asking the attention of the House during the time, now limited, for the close of the debate, I would be very glad indeed if I could have careful attention, because I desire to call attention to what seems to me to be the salient and important considerations involved in the determination of this matter. From Old Point Comfort to the Rio Grande is the only locality in the United States where American citizens are required to pay for service that is not needed or rendered. From Old Point Comfort north to Eastport, Me., and from British Columbia to Mexico on the Pacific coast there is free pilotage, and no sailing vessel, coastwise, and no coastwise steam vessel in that territory is required to pay compensation for any service that is not rendered. This bill, Mr. Speaker, proposes to place the territory between Old Point Comfort and the Rio Grande simply upon a precise level, so far as the rights of sailing vessels are concerned, with the balance of the United States. In 1871 the American Congress relieved the steam coastwise tonnage from the payment of compulsory pilotage in the territory in the South to which I have referred, and from that time until now the steam coastwise tonnage has had that advantage and handicap over the sailing coastwise tonnage in that territory. If this bill passes it will leave the sailing tonnage in that territory upon an equality with steam tonnage. It will place the

individuals owning the sail fleet on a par with the corporations owning the steam fleet.

Now, bearing upon the question of protection to life and property—and I will call attention to that in detail a little later—I ask you to note that life and property, from Old Point Comfort to Eastport, Me., the most dangerous part of all the Atlantic coast and more dangerous than the Pacific or Southern coast, for a great many years have been adequately protected under a system of free pilotage. No gentleman has been heard yet to rise in his place and say that in that territory of free pilotage, where a vessel takes a pilot when she needs one—and when she needs one takes one and pays for it—that in that territory, from Old Point Comfort to Eastport, or from British Columbia to Mexico, upon the Pacific coast, there has been any danger involved in free pilotage to life, person, or property. There has not been such a suggestion, and if it had been made it would not be borne out by the facts. If free pilotage is adequate in these sections for the protection of life and property, why would it not be in this territory in question, especially as I shall show that there is plenty of foreign tonnage to maintain all pilotage that is necessary?

Now, if this bill passes, it will simply prohibit the imposition of compulsory pilotage upon the sailing fleet within this territory. It also further provides, bearing upon the question of protection to life and property, for a pilot to be selected and examined and licensed by an inspection board, to be carried on every sailing coastwise vessel that gets the exemption from compulsory pilotage, so that the bill itself undertakes to protect and does protect the persons and the property that may be upon the sailing coastwise fleet by providing for their use a proper pilot properly licensed. The suggestion that this bill would impair the protection of persons is, moreover, obviously absurd in view of the fact that the sail fleet does not carry passengers and that the steam coastwise fleet, which is not required to take these pilots, carries all the passengers that are carried by the coastwise fleet.

Now, I should say just a word for the purpose of removing more or less misunderstanding that perhaps may have arisen in connection with this proposed legislation. A great many people have had the opinion that this bill in some way affected the pilotage system outside of this particular territory. It has been suggested that it was an effort to assume national control of the whole pilotage system of the United States. By reason of the fact that another bill has been pending before the committee that undertook to prohibit the employment of pilots under certain circumstances upon vessels, it has been suggested that this bill was subject to that criticism, and by reason of that misunderstanding the pilots' associations in various parts of the country have seen fit to register their opposition to the legislation, not understanding that this bill, if it becomes a law, would not have the slightest effect upon the pilotage system in any other part of the United States. In San Francisco, for instance, it would have no effect whatever. Pilots would continue to operate in San Francisco hereafter precisely as now. They have free pilotage there for the coastwise trade. It would continue to be free, and the passage of this legislation would not affect in any way or in any degree the relation the pilots elsewhere sustain to the merchant marine. It is true that there are pilots in other sections of the country. It is also true—and I am glad to call the attention of the gentleman from Kentucky to the fact—that there are pilots under the free system and that they have been properly and adequately maintained under the free system and have properly and adequately protected life, person, and property.

Now, a little bit later I am going to contrast this section of the country we have now under discussion with the balance of the Atlantic coast bearing upon this question of the efficiency of the respective systems.

TWO NATIONAL ADMINISTRATIONS SUPPORT THIS BILL.

Before I reach that, however, let me say that there is a trifle of a misapprehension or misunderstanding as to the interests that are in favor of this legislation. Let me remark that there are other people besides the "gentleman from Maine" and the Representatives from Maine and vessel owners in the New England States or in New York, and I may say right here, by way of passing, that Mr. Pendleton, who has been alluded to once in a while in the debate, does not happen to be a citizen of Maine, but resides in New York, and all the vessels which he is interested in are largely located there and are operated from there. But let me call your attention to the fact that while my friend from South Carolina suggests that there is no Administration influence behind this legislation, that there was nobody asking for this legislation, in substance, except, perhaps, "the gentleman from Maine," let me call his attention to the fact that in 1895 the Commissioner

of Navigation, who did not then and does not now reside in the State of Maine, and who was not then and is not now controlled by people in the State of Maine, said in his report:

Pilotage is one of the heaviest charges upon navigation, and to exempt one description of American vessels in the coasting trade from that charge while imposing it upon another description of American vessels in the same trade comes close to ruling the sailing vessels out of the business and bestowing it upon steam vessels exclusively.

In 1896 he said further, urging the enactment of the bill:

Its enactment by Congress is almost indispensable to the existence of our sailing fleet on the Atlantic coast in the coastwise trade, virtually the only trade open to it under present conditions.

I call the attention of my friends on the other side to the fact that this was a report that came from a Democratic Administration.

Mr. SHERLEY. Would not the gentleman get the equality that he desires by repealing the law that excludes steam vessels engaged in the coastwise trade from pilotage charges, and then more vessels being taxed the pilotage charge as to all of them could be reduced?

Mr. LITTLEFIELD. Certainly uniformity could be reached by putting the steam vessels back under the compulsory pilotage system. That would give uniformity, but we have not any bill pending for that purpose. Nothing of the kind is seriously suggested, and I will show the gentleman in a few minutes that there is not any occasion, either from an economic or a revenue point of view, for having any vessels subject to compulsory pilotage except possibly those engaged in the foreign trade. His suggestion, however, admits the injustice of the discrimination.

Let me go a little bit further, so far as the Commissioner of Navigation is concerned. In 1899 he said:

It is contended that Congress is a proper tribunal to which to appeal for the correction of this unfair discrimination.

In 1900 he repeated his declaration of 1899. In 1902 his declaration was substantially the same. In 1903 he said:

The abolition of the discrimination in pilotage charges against sail vessels in the coasting trade is again earnestly recommended as an immediate and practical method of fostering American sail tonnage.

In 1904 he said:

The discrimination is severely felt, and it has undoubtedly contributed to retard American sail tonnage.

I ask the House to note that the Commissioner of Navigation, who has entire charge of this great interest and is supposed to be acting from a disinterested and independent standpoint, from the year 1895 up to the year 1905, and repeated in 1906, declared over and over again that this compulsory pilotage is an unjust discrimination against the sail coastwise fleet.

In answer to a letter from Senator FRYE, asking for the opinion of the Department of Commerce and Labor upon this legislation, Secretary Metcalf, of the Department of Commerce and Labor, on January 3, 1906, said:

While seagoing American steam tonnage has practically doubled in ten years, seagoing American tonnage under sail has remained virtually stationary.

Congress has spent in recent years many millions of dollars in harbor improvements, which should have lessened the need of pilots and made navigation easier.

All tonnage entering and clearing the United States in foreign trade is subject to pilotage charges. Such tonnage has increased from 40,261,353 tons in 1894 to 59,967,985 tons in 1904. This increase of nearly 50 per cent in ten years should suffice, under all the conditions, to maintain the pilotage system at its full efficiency.

I have the honor to submit that the passage of S. 30 will be the most effective measure of any now before Congress for the maintenance of the American seagoing fleet under sail, and relieve it from a discrimination which each year grows more onerous.

So that instead of this bill being without the support of the Administration, as some gentlemen, as the result of inadequate investigation, have asserted, it has been and is now vigorously supported by the present Administration and had the support of the preceding Democratic Administration, because it "is almost indispensable to the existence of our sailing fleet on the Atlantic coast in the coastwise trade."

All this does not, of course, foreclose the proposition, nor does the fact necessarily that hundreds of men engaged in the lumber trade and in other business industries from Texas to Virginia, and boards of trade and chambers of commerce and marine insurance societies in various sections of the country all favor and support this legislation and urge it as legislation needed in the interest of the American sail coastwise fleet. It does show a widespread demand for it that is in no sense confined to any particular locality.

ABSURDITY OF DISCRIMINATION AGAINST SAIL VESSELS.

The discrimination in favor of the steam coastwise fleet, owned and managed by powerful corporations, which now exists against the sail coastwise fleet, owned almost exclusively by individuals—a single vessel being owned in fractions as small as one one hundred and twenty-eighth or one two hundred and fifty-sixth—is not only grievously burdensome, but absurdly grotesque in its practical operation.

Under the law as it stands to-day, the master of a steam coastwise vessel drawing 20 feet of water, worth \$500,000, with a cargo worth from \$100,000 to \$300,000, with 250 passengers, consisting of men, women, and children, can enter and clear from any port in the South without taking a pilot, the master navigating his own vessel. If the same master the next day takes charge of a sailing vessel drawing 12 feet of water, with no passengers, the vessel being worth from \$10,000 to \$12,000, with no cargo, with a crew of seven or eight men, and navigating his own vessel, as in the case of the steamer, undertakes to enter any one of the same ports the owners are obliged to pay for the services of a pilot, whether he is used or not, notwithstanding he may have been, as in nine cases out of ten he would be towed out and in by a tug on which there are two United States pilots, belonging and operating daily in that particular harbor.

FOREIGN COMMERCE AMPLE TO SUSTAIN PILOT SYSTEM IN THE SOUTH.

The growth of our commerce in the southern ports demonstrates that there is ample business in that section now without levying this tribute upon the sail fleet for the purpose of maintaining any necessary system of pilotage; and I beg to say, before I reach a discussion of that proposition, that the proposition proceeds upon the hypothesis that in order that they may have in these ports an adequate system of pilotage, so that the foreign trade can be piloted out and in, it is necessary to levy this tribute upon the sail fleet that the benefit may be derived therefrom by the ocean or foreign going fleets. And that upon its face is an obvious and odious levying of tribute upon the sail coastwise fleet for the alleged benefit of the ocean-going fleet.

Now, let me call your attention to the fact that in 1874 the total combined entrances and clearances in the foreign trade in the ports affected by this legislation aggregated 3,120,868 tons. That is the foreign trade. Of the coastwise trade I have not been able to get the statistics, as they are not kept; but the coastwise trade probably was about the same.

We have to-day in these same ports for the same foreign trade 9,894,608 tons. Now, then, if in 1874, 3,000,000 tons of foreign trade and perhaps 3,000,000 tons of domestic trade—and in assuming 3,000,000 tons as domestic trade I make a very large and favorable assumption for the other side of this discussion—if in 1874, with 3,000,000 tons of foreign trade and 3,000,000 tons of domestic trade, the revenue to sustain these pilots was adequate, and nobody has contended up to date that there has not been an adequate revenue for the maintenance of the pilotage system of that section—if that were true in 1874, when in 1904 we have 9,894,000 tons of foreign trade (more than 3,000,000 tons in excess of the foreign and domestic trade in 1874), how is it, I inquire, that they have not the foreign trade that can adequately sustain every pilotage system necessary in that section, when the amount of tonnage is 50 per cent greater now than the aggregate foreign and domestic tonnage in 1874?

A detailed statement of this growth is as follows:

Combined entries and clearances in the foreign trade and expenditures for improvements of harbors and approaches from 1884 to June 30, 1905.

District.	1874.		1884.	
	Number of vessels.	Net tonnage.	Number of vessels.	Net tonnage.
Norfolk and Newport News.....	115	69,345	146	131,572
Savannah.....	536	294,722	547	326,739
Charleston.....	290	113,540	505	246,652
Key West.....	798	129,157	513	74,279
Pensacola.....	525	353,362	898	571,784
Mississippi.....	187	42,772	307	151,175
Mobile.....	194	102,788	407	233,316
New Orleans.....	1,503	1,089,732	1,577	1,368,091
Galveston.....			402	259,065
Total.....	4,148	2,195,418	5,302	3,368,643
All other seaports.....	31,689	17,872,287	29,792	20,927,232
Total United States.....	35,837	20,067,705	35,093	24,295,875

District.	1894.		1904.	
	Number of vessels.	Net tonnage.	Number of vessels.	Net tonnage.
Norfolk and Newport News.....	437	627,701	530	1,061,788
Savannah.....	648	552,176	311	492,088
Charleston.....	236	198,427	74	94,053
Key West.....	581	341,123	1,052	542,835
Pensacola.....	871	798,058	772	1,130,385
Mississippi.....	352	191,848	662	828,365
Mobile.....	842	407,368	1,515	1,182,852
New Orleans.....	1,806	2,063,789	1,903	3,061,909
Galveston.....	408	527,592	821	1,786,733
Total.....	6,181	5,700,382	7,640	9,884,008
All other seaports.....	28,030	28,630,708	24,979	38,418,895
Total United States.....	34,211	34,331,090	32,619	48,302,903

Percentage of tonnage increase.

	1884.	1894.	1904.
	Per ct.	Per ct.	Per ct.
Ten southern districts	53	69	73
All other seaports	17	37	34
All seaports	21	41	41

The percentage of increase from 1874 to 1904 in the 10 southern ports was 350 per cent, at all other seaports 115 per cent, and at all seaports of the United States 141 per cent.

It has been frequently asserted that when it appeared that the foreign commerce was sufficient to take care of the pilotage system the States would repeal the compulsory legislation and cease compelling the payment of tribute from the coastwise fleet for that purpose. Mr. O'Brien, in testifying before the Merchant Marine and Fisheries Committee in 1903, said that the States will do it—that is, remove the compulsory pilotage—whenever the foreign commerce of any port is sufficient to keep up a first-class pilotage system for the port. The figures show that in 1904 that condition of things existed and that there was ample foreign commerce for that purpose, and upon their own statement the States should have repealed compulsory pilotage. Notwithstanding that fact—the existence of this amply sufficient business—not the slightest change, so far as appears here, has been made in the pilotage system in any Southern State in the last fifteen years, except in the port of Wilmington, N. C.

PILOTAGE CHARGES EXCESSIVE.

It is worthy of notice also that the pilotage charges in these ports, although they have had millions of dollars spent upon them for their improvement, are very much in excess of the nearby foreign ports, which are practically unimproved. A few specific instances will suffice to illustrate this fact. In the fall of 1905 the schooner *S. M. Bird* paid \$128 for pilotage fees at Gulfport, Miss. She cleared from Gulfport for Habana on that same trip, and her pilotage fees in and out of Habana were only \$32.

The schooner *Harold C. Beecher* cleared from Pascagoula in May, 1905, and paid pilotage in and out of Pascagoula amounting to \$96. She cleared for Kingston, Jamaica, on the same trip, paying pilotage in and out of Kingston Harbor to the amount of \$30. These are typical practical illustrations of the excessive charges made under this pilotage system.

With this showing, and these are the facts, because these facts are received from the Commissioner of Navigation, and the figures are given in his reports and are his statistics—if these are the facts, upon what ground can it be contended that they need the additional support of the sailing coastwise fleet, that does not use their pilots, and have this tribute levied upon them as an excuse to enable them to maintain their system, which is amply able to sustain itself for all legitimate purposes?

Now, let me go a little bit further. In 1904 the amount of coastwise sailing tonnage at the port of New Orleans was only 1,794 tons; foreign, 3,065,909 tons. In Mobile the coastwise tonnage was only 8,774, and the foreign tonnage was 1,182,852 tons. At Key West the coastwise was only 14,450, and the foreign tonnage 542,835 tons. Pensacola, 1,130,385 foreign tons and only 20,202 coastwise sailing tons. In Galveston 1,786,733 foreign tons, and coastwise only 37,890 tons. With this added to the facts to which I have called your attention, what foundation is there to sustain the idea that in any justice they can still call upon the sailing coastwise fleet to pay for pilots, levying a tribute upon them and making them pay for services not rendered and not needed when there is ample foreign tonnage to pay for it? These facts show that this tribute is not necessary to maintain their pilotage system.

IMPROVEMENT OF HARBORS RENDERERS COMPULSORY PILOTAGE UNNECESSARY.

There is very much less necessity now than heretofore for any system of pilotage, compulsory or otherwise, by reason of the fact that during the last fifteen or twenty years the money of the Government has been expended in a prodigal degree, aggregating about thirty-nine millions of money, for the express purpose of improving the ten important harbors on the southern coast.

The experience of Commander Winslow on the cruiser *Charleston* in making and leaving the harbor of Charleston in January, 1906, without the aid of a pilot either going in or out, and navigating entirely from information obtained by the Government charts, is a conclusive demonstration of the fact that that harbor, at least—and we can safely assume that the others are in as good a condition—is perfectly feasible for navigation by any craft under the charge of a competent navigator, as are all the sail coastwise vessels. His letter is as follows:

[From a letter dated Hampton Roads, Virginia, January 21, 1906.]

No difficulty was experienced in entering or leaving the harbor of Charleston. The ship entered the harbor at high water and left at very near low water, the flood tide just commencing to make. It was dark before reaching the Cumming Point range when leaving the harbor; so the passage through part of the channel within the jetties and over the bar was made in darkness and with no moonlight.

The ship was drawing a little more than 24 feet of water on our arrival and a little less on our departure. There was no pilot on board while entering or leaving the port, and the ship was navigated entirely on information obtained from the Government charts. There was no indication while passing through the jetties and over the bar, either by stirring up mud or sluggishness in steering, that the vessel was in shoal water.

A careful examination of the chart convinces me that the harbor of Charleston is ample for the maintenance of a large commerce.

At the present time I can see no reason why vessels should not load to a draft of 30 feet and pass out of the harbor with safety.

Believe me to be, very truly, yours,

C. McR. WINSLOW,

Commander, U. S. Navy, Commanding Cruiser *Charleston*.

If the gentleman from South Carolina [Mr. LEGARE], who intimated that he was very familiar with the practical operations, so far as pilots were concerned, in the harbor of Charleston and its approaches, is familiar with that channel and the facts connected therewith during the last few years, he would know that there never has been any shifting of the channel since the making of the Government chart that was used by Captain Winslow when he navigated a United States vessel into and out of that harbor without the aid of a pilot; and if the chart was safe and reliable for Captain Winslow's use, with a ship drawing 24 feet, it does not require a very vigorous argument to establish the fact that it is equally safe and reliable for the master of a sail coastwise vessel drawing from 10 to 20 feet.

I may say further in this connection, in answer to the suggestion before the committee that the reason why the southern harbors were difficult of navigation, and therefore a compulsory pilotage system was necessary, was because they had shifting channels or movable bars, that the charts of the United States of those portions of the coast were presented, and the pilots were challenged to produce a single instance where there had been a single change in either channel or bar, as indicated upon the charts at the time they were made, a challenge which was not accepted. Not the slightest effort was made to show that there had been any change in any particular from the charts in either channel or bar, and that contention was virtually abandoned.

As a further demonstration of the complete safety of the harbor of Charleston and minimizing the probability of the occurrence of very grave dangers imagined by the gentleman from South Carolina [Mr. LEGARE] as resulting from the passage of this bill, with reference to the protecting of that port by the pilots under the existing system, the following extract, issued from the Charleston Chamber of Commerce in 1906, is illuminating and instructive:

The many deep-draft vessels that have passed safely over our bar and the presence for the first time of United States battle ships and cruisers within our harbor prove how successful this great jetty system has been, which, from an extreme depth of 18 feet at mean high water has developed a channel 600 feet wide with a depth of at least 31½ feet at mean high water.

FREE PILOTAGE MORE EFFICIENT THAN COMPULSORY.

Now, let me call your attention to another important and determining fact upon the question of the protection of life and property as between these two systems.

In 1903 the amount of foreign tonnage entering and clearing north of Old Point Comfort was—entered, number, 10,002; tonnage, 16,866,448; cleared, number, 9,273; tonnage, 15,469,034. South of Old Point Comfort on the Atlantic coast—entered, number, 1,102; tonnage, 1,229,596; cleared, number, 1,513; tonnage, 1,958,746.

Take it upon the number of vessels, 10,002 vessels north of Old Point Comfort and 1,102 south of Old Point Comfort. In other words, when there are ten vessels entering north of Old Point Comfort there is one vessel entering south of Old Point Comfort on the Atlantic coast. It is clear that the casualties ought to be in proportion to the business done. An analysis of the casualties in these localities ought to show no more than one casualty south of Old Point Comfort on the Atlantic coast to ten north of Old Point Comfort, if the protection to life and property were equally adequate in each case.

Let me read to you from a letter of the Secretary of the Treasury in response to one from me seeking information upon this precise point, the Secretary's letter being dated February 28, 1906:

Hon. CHARLES E. LITTLEFIELD,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant asking for information relative to casualties to vessels that occurred on the Atlantic coast during the fiscal year ending June 30, 1903.

For convenience in making reply, the points you specify as those upon

which you desire to be informed are stated in numerical order, the answer to each inquiry being given immediately below it.

The information herein furnished is derived from casualty reports rendered to this Department in compliance with sections 10, 11, and 12 of the act of June 20, 1874.

It will be noticed that the statistics which are about to be given in this letter are compiled under the express provisions of the statute, and therefore have behind them the sanction of the law.

First. The number of casualties that occurred upon the Atlantic coast for the fiscal year 1903.

Answer. One hundred and fifty-four (154).

Second. The number of casualties that occurred north of Old Point Comfort and south of Old Point Comfort for that year.

Answer. North of Old Point Comfort, one hundred and eighteen (118); south of Old Point Comfort, thirty-six (36).

That is to say, when one casualty occurred south of Old Point Comfort three only occurred north of that point. Taking into account, however, the tonnage in both sections, where one casualty occurred south, if the same degree of care was exercised in each section under compulsory pilotage as is exercised under free pilotage, there should have been ten north of that point. In other words, upon this analysis the facts show, and from them there is no escape, that there were three times as many casualties in 1903 under the compulsory pilotage system as there were in proportion under the free pilotage system obtaining north of Old Point Comfort; and if the actual facts based upon the casualties occurring in proportion to the trade in each section determine, as it seems to me they should determine, the efficiency of the two system, it demonstrates beyond controversy that the free pilotage system is three times as efficient in protecting life, person, and property as is that obtaining under the compulsory pilotage system south of Old Point Comfort. How puerile, then, on the facts is the objection to this bill on the ground that it will impair the safety of persons and property. But we have further information from this letter from the Secretary of the Treasury. The next inquiry is:

Third. The number of casualties north of Old Point Comfort and south of Old Point Comfort that were due to the lack of pilots on the vessels, giving the name of the vessel and the date of the casualty, if any.

Answer. The casualty reports do not in terms state whether pilots are or are not on board the vessels. There are inclosed, however, a copy of one casualty report which shows, in answer to question 24 in said report, that "pilots" were on board in that instance, and copies of five other reports, which show that the casualties were due to the errors of officers, indicating, perhaps, that the vessels were not in charge of pilots. These six reports are all that are on file for the year mentioned that appear to have a bearing upon the matter to which your inquiries seem to relate.

Fourth. The number of casualties, if any, north of Old Point Comfort that occurred while vessels were making harbor without a pilot, giving the name of the vessel and the date of the casualty.

Answer. Five casualties above referred to, as follows: Schooner *Winifred*, July 3, 1902; schooner *William H. Schubert*, October 21, 1902; schooner *Myronus*, November 17, 1902; schooner *Conway*, April 30, 1903, and schooner *Republic*, May 28, 1903.

Only one of these can with any propriety be said to come within the scope of the question asked, as is shown by an examination of the wreck reports in detail, which I have taken occasion to examine and have here present for inspection, if desired, and that is the schooner *Winifred*, and she was a small fishing vessel of only 60 tons burden, and the damage sustained was only \$500.

The *Schubert* was not making a harbor, but grounded on the southern end of Prudence Island, in Narragansett Bay. The *Myronus* was not making a harbor, but was navigating Penobscot Bay and ran ashore on an unbuoyed ledge, known as Sprague Ledge, near Islesboro.

The *Conway* was an oyster boat of only 44 tons, and ran on Brandywine Shoal, in Delaware Bay.

The *Republic* grounded on Trundys reef at Cape Elizabeth, Maine.

So when an examination of the wreck reports is made it is seen that there was only one vessel north of Old Point Comfort that could be said, during the year 1903, to have met with any casualty when she was making a harbor without a pilot, with ten times the amount of tonnage and hazard that exists below Old Point Comfort.

The Secretary's letter continues:

Fifth. The number of casualties, if any, that occurred while the vessel was making harbor north of Old Point Comfort with a pilot, giving name of vessel and date of casualty.

Answer. None.

Sixth. The number of such casualties, if any, that occurred south of Old Point Comfort while vessels were making harbor without a pilot, giving name of vessel and date of casualty.

Answer. None.

Seventh. The number of such casualties, if any, that occurred south of Old Point Comfort while vessels were making harbor with a pilot, giving the name of the vessel and the date of the casualty in each instance.

Answer. One casualty, schooner *Harold C. Beecher*, May 9, 1903.

The damages in the case of the *Harold C. Beecher* were \$10,000. These are certainly significant facts. Here is compulsory pilotage, with its much-vaunted protection to life, person, and property, with tonnage under its care, in the proportion of 1 to 10 to that under the free-pilotage system north of Old Point Comfort. There was ten times the opportunity for casualty and injury under the free-pilotage system that there was under the compulsory pilotage system, and yet but one accident, and that insignificant in character, occurred to a vessel in 1903 where free pilotage obtains. But the *Harold C. Beecher*, with damages of \$10,000, meets with her disaster while under the protection of one of these much-vaunted pilots maintained by this compulsory system. Where is the casualty under the charge of a pilot in the free-pilotage zone? There ought to be 10 to be in proportion to the *Beecher*. Not one occurred.

And it is further to be noted, as bearing upon the care and efficiency of the pilots under that system, that the *Harold C. Beecher* was going out, instead of making a harbor, and that the dangers incident to going out are very much less than those going in. How does it happen, if this compulsory pilotage system is so much more conducive to protection and safety, that the only loss that occurred under a pilot during the year 1903 occurred under that system, when there was ten times the hazard and ten times the opportunity for dangers under the free pilotage system, but there was no loss of that character?

PILOTS' ASSOCIATION NOT LIABLE FOR NEGLIGENCE.

It may be well to mark here that while the sail coastwise fleet is compelled to receive the services of these pilots or pay for them if they are not received, if they are offered, the remedy that the owners have in case of the negligence of a pilot is at least of a very doubtful character. The newspaper clipping which follows shows that in Virginia, at least, the vessel owner who is injured by the negligence of a pilot has no remedy whatever against the pilots' association, although they levy these enormous sums as tribute on the sail coastwise fleet for the maintenance of that association. Just how far this applies to the pilots' associations throughout the whole South I am not at this moment able to state, but we do know that it applies to Virginia, which is the most vicious illustration of this graft levied under the forms of law upon the sail fleet.

PILOTS SCORE STRONG POINT—UNITED STATES SUPREME COURT SAYS THEY ARE NOT RESPONSIBLE FOR THEIR ASSOCIATES.

WASHINGTON, December 3, 1906.

The Supreme Court of the United States held to-day that the Virginia Pilots' Association is not responsible for damages caused by accidents when due to the negligence of its members. A decision was rendered in the case of *Guy v. Donald* on question certified from the circuit court of appeals for the fourth circuit. Guy is a member of the association, and he was the pilot in charge of the navigation of the steamer *Santuit*, which is owned by Donald, when, in 1901, that vessel collided with the schooner *Churchman* off the Virginia capes, doing such damage that Donald was compelled to pay \$3,175.

Suit being instituted by him to recover from Guy and the pilots' association, the Federal district court for the eastern district of Virginia granted his prayer, holding that the accident was due to Guy's negligence, and that he and the association of which he is a member were responsible for the damage done. Guy appealed the case to the court of appeals, and that body sent it to the Supreme Court with the request for answers to the question whether the association, being unincorporated, constituted a partnership; whether, if the association is a partnership, its members, who are regularly licensed pilots, are liable for damage to vessels caused by the negligence of one another, and whether, if not a partnership, they are liable for such damages. The questions were answered in the negative.

This simply adds to the hardships involved in the situation. The service that the owners of these vessels are compelled to receive, or to pay for if offered and not received, it would seem ought to carry with it a corresponding obligation to guarantee the safety of their property and the payment of damages therefor in the case of negligent service subjecting their property to hazards and dangers, especially in view of the fact that tremendous stress is laid upon the idea that this compulsory system must be maintained, with all of these evils and injustices, in order that life, persons, and property should be protected. The protection of life, person, and property without the owners having the opportunity to enforce that right as a matter of law in the courts is simply a delusion and a snare.

FREE PILOTAGE IN WILMINGTON.

Now, I want to call your attention to a very important consideration involved in a little practical experience in connection with this question. The minority views call attention to the fact that in the city of Wilmington, N. C., they have had free pilotage since 1905, and then state that there was a loss in the business in the port of Wilmington, N. C., of about 4,000,000 feet of lumber, establishing, as they say, "beyond question the profound injury done the port of Wilmington by the removal of pilotage." The gentleman from North Carolina [Mr. SMALL] read, but I will read again, so that it may be freshly before the

House, a letter which I received from the president of the Wilmington Chamber of Commerce, to whom I wrote making inquiries in relation to this statement in the minority views. My notion was that the minority views were erroneous.

The president of the Chamber of Commerce of Wilmington, N. C., writes me as follows:

THE WILMINGTON CHAMBER OF COMMERCE,
March 21, 1906.

Hon. CHARLES E. LITTLEFIELD,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to the minority report on the Littlefield bill, beg to call your attention to figures on page 78, purporting to represent the relative shipments from Charleston, S. C., Georgetown, S. C., and Wilmington, N. C., for the years 1904 and 1905, in which the Wilmington shipments of lumber to New York are represented as having fallen off more than 4,000,000 feet. This statement is intended to convey the impression that shipments received at New York are practically the total output of this commodity from Wilmington, and a lazier argument we can not well conceive. For your information, beg to say that the shipments of lumber from Wilmington for 1904 were 40,000,000 feet, and for 1905, 46,000,000 feet, and this notwithstanding that one of the principal mills was shut down for five months, due to a boiler explosion. It is estimated that lumber shipments from Wilmington for 1906 will exceed 60,000,000 feet, or an increase over 1904 of 50 per cent. New York no longer receives the proportion of shipments that it formerly enjoyed, and if the signers of the minority report had been as zealous in ascertaining facts as they were in putting forth a misleading argument, they would never have appended their signatures to a report so easily refuted.

On this same page appears this clause: "Cause—reduced freight, as the freight always pays the pilotage." This is the conclusion of the argument, and is the capstone to the contention that a free port suffers a loss of commerce. In the same paragraph the action of Wilmington in abolishing compulsory pilotage is represented as a short-sighted step on the part of a few grasping shippers. As a matter of fact, the Wilmington Chamber of Commerce, by unanimous vote, condemned compulsory pilotage, and the members of the chamber raised a large fund to prosecute repeal before the State legislature. The subscribers to this fund embraced, with three exceptions, every manufacturer and wholesale dealer in Wilmington.

For your further information, will state that ten pilots are now engaged in the business at this port, and the service is more satisfactory and efficient than it has been for more than ten years. There has not been a single disaster to shipping chargeable to the abolition of compulsory pilotage or to inefficient pilotage service, and the commercial interests of Wilmington are highly pleased with the results of the free port.

I hope that you will feel at liberty to use this letter in meeting the erroneous assumptions in the minority report.

Yours, respectfully,

J. A. TAYLOR, President.

The gentleman from North Carolina [Mr. PATTERSON] made some suggestion in relation to figures that he was likely to present in connection with this phase of the question, but I do not understand that he has presented any figures. So that, so far as this debate is concerned, the matter stands upon this letter of the president of the chamber of commerce.

Mr. PATTERSON of North Carolina. Since the gentleman has mentioned me by name, I would like to interrupt him.

Mr. LITTLEFIELD. Yes.

Mr. PATTERSON of North Carolina. I will state that I wrote to the Secretary of Commerce and Labor for the facts, and asked him to give me the statistics, and he gave them to me as they are contained in the report. Now, I have no knowledge of the source of the information contained in the letter of the president of the chamber of commerce. I notice his letter does not state that that amount of lumber was shipped from Wilmington by boat. His statement was that it was shipped. My information was that there had been a falling off in the lumber shipped from Wilmington by boat. If the gentleman from Maine will refer to that letter, he will see that the president of the Wilmington Chamber of Commerce does not say that that lumber was shipped from Wilmington by boat. The facts which I gave came from the Department of Commerce and Labor.

Mr. LITTLEFIELD. Does the gentleman impeach the correctness of these statistics given by the president of the Wilmington Chamber of Commerce?

Mr. PATTERSON of North Carolina. No; I do not. I know nothing about what the president of the chamber of commerce says. I wrote to him to furnish me with the facts, but he seems to prefer that they be intrusted to the gentleman from Maine. I think, however, the statement from the Secretary of Commerce and Labor ought to be pretty good authority.

Mr. LITTLEFIELD. The minority views do not say that the shipments were by water. The minority views simply say that the southern pine receipts in New York for nine months from September 24, 1904, to June 30, 1905, were so much. If the minority saw fit to put into their views a statement in relation to New York alone when they knew there were other sections to which the lumber was going and therefore the business of the port was being increased instead of decreased, they succeeded in deceiving the House. I do not think they intended to do that. The question is whether the business of that port has increased or decreased.

Mr. PATTERSON of North Carolina. I would like to interrupt the gentleman to state that I was not present when the report was made and I did not sign it myself. My name was signed by the gentleman from Mississippi [Mr. SPIGHT] during my absence and without my knowledge or consent.

Mr. LITTLEFIELD. I know the gentleman did not.

Mr. PATTERSON of North Carolina. Had I been present, I would have made some corrections in that part of it. My opinion is that there has been a falling off in the shipments of lumber by water since that time. Whether it was because of the abolition of the pilotage or the depletion of forests or shipping of lumber by rail I do not know.

Mr. WILLIAMS. Mr. Speaker—

The SPEAKER. Does the gentleman from Maine yield to the gentleman from Mississippi?

Mr. LITTLEFIELD. Certainly.

Mr. WILLIAMS. I would like to ask the gentleman this question: If there was anything wrong about the pilotage laws of the State of Maine, would not the gentleman rather trust the legislature of the State of Maine to correct the wrong or evil than to appeal to the Congress of the United States to do it?

Mr. LITTLEFIELD. I will say that when we have suffered thirty-five years under this discrimination in favor of the steam coastwise fleet, and have been appealing again and again for the enactment of legislation to relieve us, I should reach the conclusion that it was not worth while to wait for relief from the States. It has been said time and time again that a little later on, when they got good and ready, when they were entirely satisfied, we might get the legislation. Now, it is suggested in this debate, in substance, that inasmuch as we have stood by under this discrimination for thirty-five years, they now have really acquired a prescriptive right, so that Congress ought not to pass any such legislation; that because we have been here a half a dozen times appealing to Congress, and because they have deferred action, therefore we ought not to have favorable action now; that the statute of limitations, perhaps, barred us.

Mr. WILLIAMS. The gentleman from Maine does not understand that I take that position?

Mr. LITTLEFIELD. I do not understand that the gentleman from Mississippi takes that position.

Mr. WILLIAMS. I am glad the gentleman does not understand that. I should hate to have the gentleman from Maine put me in that ridiculous attitude before the House. The point I wanted to get at is simply this: I know in my own case I am perfectly willing to trust the State of Mississippi, and I wanted to know whether the gentleman was willing to trust the State of Maine.

Mr. LITTLEFIELD. I would trust the State of Maine to give us relief if it would give us any relief at all. But a system has grown up in Mississippi that is more odious and more oppressive and more in violation of the good, sound sense of a man of intelligence than anywhere else. In Gulfport there is a continuous and regular practice, not in accordance with the law, but in violation of it—there is a continuous practice in Gulfport and some other Mississippi ports of discriminating against our sailing coastwise fleets and in favor of other sailing vessels.

Mr. WILLIAMS. That charge I absolutely deny, and if the charge is true, even, it is a charge of the violation of the laws of the State of Mississippi, and not a charge against the laws of Mississippi.

DISCRIMINATIONS AGAINST SAIL FLEET IN COMPULSORY PORTS.

Mr. LITTLEFIELD. I understand that the gentleman from Mississippi denies the charge, so far as it relates to Mississippi, but I desire to say to the House that the men implicated in violating the laws and in making these discriminations never have as yet had the hardihood to deny any of the charges in relation thereto, and that, moreover, when the charges were first made before the Committee on Merchant Marine and Fisheries, Mr. O'Brien, representing the pilots, desired time to get a refutation from Gulfport, and it appeared before the committee that, although he telegraphed to Gulfport that the charge had been made, the only answer he received was that the laws of Mississippi prohibited discrimination and provided for compulsory pilotage and fixed fees, all of which everybody knew before the response was received. But no one in Gulfport then or since has ever denied that gross discriminations were repeatedly and continually practiced in that port.

In order that there may be no question about this point, I will state that the pilotage paid in Gulfport in 1905 by the *S. M. Bird* was \$128. This was the usual pilotage on vessels of her size for one trip.

I quote three bills, all to the *G. A. Bartlet*, but during different periods of time, for the same service. They read:

GULFPORT, SHIP ISLAND HARBOR, MISS.,
February 8, 1904.

Captain and owners, schooner *G. A. Bartlet*, to the Ship Island Pilots' Association, Dr.:
As per agreement..... \$40

Total 40

JOSEPH LEWIS, Treasurer.

GULFPORT, MISS., February 4, 1905

Captain and owners, *G. A. Bartlet*, to Ship Island Pilots' Association, Dr.:
Pilotage \$40

Total 40

F. G. MORAN, Pilot.

GULFPORT, MISS., April 7, 1905.

Captain and owners, *G. A. Bartlet*, to Ship Island Pilots' Association, Dr.:

To _____ feet inward draft, at \$4 \$40
To harbor fees 5

Total 45

JOHN E. LEWIS, Pilot.

For the purpose of intensifying this discrimination, it may be stated that the schooner *G. A. Bartlet* is a considerably larger vessel than the *S. M. Bird* and carries about 40,000 feet more of lumber.

An explanation of the reason why this gross discrimination was made in her favor as against a vessel hailing from and managed in New York may be found in the fact that her manager resides in a Gulf port.

In 1905 the schooner *Mary E. Morse* paid \$150 pilotage fees at Gulfport, and the British schooner *Lillie*, of about the same size, managed by an agent living in a Gulf port, paid \$46.60 for the same service.

The schooner *Frances*, in 1905, paid \$142 pilotage at Gulfport, and the British schooner *Blomidon* paid during the same year for the same service \$44. These vessels are of about the same size.

The *Fred A. Davenport*, in 1905, paid \$156 pilotage at Gulfport, and the schooner *Fred W. Ayers* paid \$40 for substantially the same service. The only distinction known between these two vessels is that the *Davenport* is managed in Bath, Me., and the *Fred W. Ayers* is managed by an owner living in a Gulf port.

These instances, undenied by the men who made the discrimination, amply establish my contention. I suppose that I would hardly be expected to go over every single voyage that has been made out of Gulfport, Miss., during the last three or four years, but, if necessary, I could no doubt file a bill of particulars covering the whole period. I assume that these facts were not known to the gentleman from Mississippi when he assumed the responsibility of denying that there was any such discrimination. A system prostituted to such abuses ought not to be tolerated when Congressional action can furnish the only practicable relief.

In Mobile, Ala., April 27, 1904, the schooner *Gertrude Bartlet* was charged \$52 for pilotage; on July 13, 1904, \$49 for pilotage; on September 15, 1905, she was charged \$52 for pilotage, and on December 7, 1905, \$52 for pilotage, when a vessel of substantially her size and carrying capacity would have been charged, under the same circumstances, if she was managed outside of the compulsory-pilotage zone, about \$173.

It is hardly necessary to multiply instances, particularly in view of the fact that no one at the hearing undertook to deny that the practice of discrimination was very general.

It appeared in the case of the Plant Line, which plies between Tampa, Key West, and Habana, in the foreign trade, that they had succeeded in making an arrangement so that their expense for pilotage was only about \$4 a trip, when the sail coastwise vessel making the same ports on a similar voyage would be compelled to pay about \$240. And this is further emphasized by the fact that the Plant Line of steamers is engaged in the foreign trade, while the sail vessel would be engaged entirely in the domestic trade, plying between two ports in the same State. Mr. O'Brien, who has for years been representing the pilots in opposition to this legislation, not only was not able to successfully deny that these discriminations existed, but he himself admitted, as a witness before the committee, that he had made a contract of that character. His testimony is as follows:

MR. LITTLEFIELD. Is there any special arrangement at Key West with the Plant System, a foreign line?

Captain O'BRIEN. I think there is.

MR. LITTLEFIELD. What reduction does that foreign line get?

Captain O'BRIEN. I do not know.

MR. LITTLEFIELD. Did you not make the contract?

Captain O'BRIEN. I made one contract, but they broke it.

MR. LITTLEFIELD. Under the arrangement that you made, how much reduction was the foreign line getting?

Captain O'BRIEN. That is not a foreign line. It is owned by Mr. H. M. Flager and other gentlemen who are not any more foreigners than the State of Maine people are.

MR. LITTLEFIELD. She sails foreign. What arrangement did you make with them?

Captain O'BRIEN. I think we made it a fractional part of the pilotage.

MR. LITTLEFIELD. What fractional part?

Captain O'BRIEN. I think it was one-half or three-fourths pilotage, but it did not last over a month. They broke that arrangement. I am not positive what the details were.

MR. LITTLEFIELD. You made it?

Captain O'BRIEN. Yes, sir.

MR. LITTLEFIELD. Did they refuse to pay it?

Captain O'BRIEN. I was not president of the National Pilots' Association at that time. They probably found that it was not within the law and that the law would not permit it.

The details in connection with this and other questions of fact which I discuss may be found in the report of the committee, which I will annex as an appendix.

To return to Wilmington, N. C.: The fact is that Wilmington ships lumber in large quantities to Baltimore, Philadelphia, New Haven, Providence, Boston, and Portland, all of which goes by vessel. Under these circumstances the fact that the gentleman from North Carolina only succeeded in inquiring about shipments to New York would look as though he did not have any very great desire to be placed in possession of all the information relating to this subject.

Prior to March, 1905, when compulsory pilotage was in force, this port maintained forty pilots. Since it has been a free port, according to the statement of the president of the chamber of commerce, whose reliability and credibility are guaranteed by the Representative from his district, Mr. PATTERSON—

Ten pilots are now engaged in the business at this port, and the service is more satisfactory and efficient than it has been for more than ten years. There has not been a single disaster to shipping chargeable to the abolition of compulsory pilotage or to inefficient pilotage service, and the commercial interests of Wilmington are highly pleased with the result of the free port.

In his report as president of the chamber of commerce, made in May, 1906, he made this further statement with reference to the change in the pilotage system:

We have just completed the first year of our experience as a free port, and all the prophecies of dire calamity—

"That lowered upon our house

In the deep bosom of the ocean buried"—

for the record is without a single disaster chargeable to the abolition of compulsory pilotage laws. Two pilot crews are maintained at Southport, and commerce is receiving better service now than perhaps for fifteen years. With the abolition of compulsory laws the pilot-tugboat combination fell to pieces, and we now have competitive towing, and shipping is most effectually served.

Conditions could not be more satisfactory, nor could the wisdom of those who advocated a free port be more perfectly vindicated.

Please note the force of this disinterested and emphatic statement.

The experience of the port of Wilmington, N. C., as taken from the highest and most reliable source of information, conclusively demonstrates that that port is more efficiently and effectively served under a free system of pilotage with ten pilots than it was with forty pilots under the old compulsory system. It conclusively demonstrates that life and property are better protected than under the old system. It shows, further, inasmuch as the ten pilots are now amply sufficient for all the needs of that thriving, enterprising, and busy port, that during the compulsory pilotage period thirty pilots were being supported and maintained by the sail fleet without rendering any efficient service of any kind for the tribute levied upon the sail coastwise fleet. If we assume, in the absence of having received any information upon that point from the pilots themselves—and the pilots have been very careful to conceal the extent of compensation which they have succeeded in receiving under compulsory pilotage—that they have been receiving \$2,000 per annum each—and this, I think, would be a conservative estimate—this means that the sail coastwise fleet has been paying to the pilots in Wilmington, N. C., prior to March, 1905, an annual and unnecessary tribute of \$60,000. It will be difficult to imagine a more obvious and vicious illustration of unjustifiable legalized graft perpetrated under the forms of State legislation. This same condition, although perhaps not quite to the extent indicated in Wilmington, beyond all question prevails in every southern port, as upon any decent business basis the compulsory pilotage system is supporting and maintaining a relatively large number of unnecessary pilots in each port.

COMPENSATION OF NORFOLK PILOTS.

It is true that the port of Norfolk, Va., is a most conspicuous and vicious illustration of this palpable and unjustifiable graft. There is considerable controversy as to what sum per year the pilots are receiving in that port. It has been asserted that

they are receiving in the neighborhood of eight or nine thousand dollars a year each.

It is extremely significant, although this question has been pending for the last four or five years, and the compensation of the Norfolk pilots has always been an important factor and a subject of acute discussion, that no one representing that pilot association has ever undertaken to give to the committee or to the House any statement as to the sums actually received annually by these pilots. The only suggestion that has ever been made in the way of criticism of the assertion that they are receiving eight or nine thousand dollars a year is the statement made by the gentleman from Virginia [Mr. MAYNARD], in whose district these pilots are located, that he does not "believe" they are receiving that sum. The fact that he has to rest his statement solely upon his belief, and entirely disclaims any knowledge, is extremely significant upon this proposition. I suppose no one will believe but that if he desired to do so, and the facts were of such a character as to make it desirable to have them stated, he could ascertain from his constituents in forty-eight hours just exactly what the facts are in this regard. But he has been a member of the committee for at least two years, and has been involved in this agitation for a number of years, and while this is an important fact involved in the controversy, he has not succeeded during all this time in accumulating any definite information upon this point. I think we may safely infer that if the information would be favorable to the pilots, definite and specific information would be very promptly forthcoming through him or through their representatives, so that it could reach the knowledge of the House, and we have a right, certainly, under the circumstances, to assume that they are receiving compensation so large that they do not dare even disclose the amount.

I have in my district 2,000 or 3,000 mechanics whose employment is dependent upon the continuation of the shipbuilding industry. They are ship carpenters, ship joiners, blacksmiths, calkers, ironers, riggers, sailmakers, and so forth, and to-day, on account of the decadence of building wooden sailing vessels, they are practically without employment in their respective trades, and this, remember, is the labor in only one district, other sections being also largely interested. The imposition of this unjust burden of compulsory pilotage is one of the principal causes contributing to this decline. The facts as to this decline I shall state more in detail hereafter. These men are good citizens, intelligent, industrious, thrifty, and law-abiding. They do not see any good reason why the industry in which they are interested should be subjected to an unnecessary burden contributing to their being deprived of an opportunity to render an honest day's work for an honest day's wage in order that the pilots in Norfolk, Va., for instance, may receive \$9,000 per annum or less or a sum that they do not dare disclose, as the result of this monopolistic burden. And, as the case shows, no one of these pilots in eighteen years has rendered any practical service to a sail vessel. It is admitted that in this port the system is maintained for tribute pure and simple, as licenses are issued to vessels to use that port without a pilot—that is, the owners pay for the privilege of navigating their own vessels. They toll not, neither do they spin, yet with diligent persistence and insistence they gather into barns in order that they may live lives of opulence, luxury, and leisure, while hundreds of laboring men in my district, in order that this interesting proceeding may continue undisturbed, are not able to get an opportunity to work and get a fair return for service actually rendered.

It is true that the gentleman from Illinois [Mr. PRINCE], supposedly desirous of information in connection with the merits of this controversy, inquired of the gentleman from Wisconsin [Mr. MINOR] whether any labor organizations were supporting this bill, conveying the inference that the labor organizations were arrayed against this bill and therefore it ought not to pass. I have just called attention to the fact that from two to three thousand of the finest laboring men in this country, living in my district, are vitally interested in its passage, and that their opportunity for employment to a large degree depends thereon. I do not know whether they are or are not fully or thoroughly organized. I do know that in every proper legitimate method they have expressed themselves as anxious to have this legislation passed. I do not understand that they are affiliated with the American Federation of Labor. I hope, however, that the interests and desires of two to three thousand men in my district who labor will receive at least the same consideration from the sentimental standpoint as those of 130 pilots, many of whom never labor, who happen to be organized and affiliated with the American Federation of Labor; unless, to be sure, it may appear that the Members of the House are to proceed upon the closed-shop idea, and entirely ignore the interests of laboring men who do not happen to be members of the American Federation of

Labor and hold that unless they belong to the Federation they have no rights that this generation of statesmen are bound to respect.

I have said that there were 130 pilots interested in this bill, and this leads me to call attention to the fact that Mr. O'Brien has circulated considerable literature in relation to this question, among which is a letter dated January 17, 1906, in which he says:

It was stated in the committee that this bill affected 130 pilots, while in fact it affects directly or indirectly 1,000 pilots.

It is true that it was stated in the committee that it affected 130 pilots, and it is also true that this statement was made by Mr. O'Brien, who testified before the committee, as will be seen on page 17 of the hearings, as follows:

Mr. LITTLEFIELD. How many pilots would be affected by this bill?
Mr. O'BRIEN. One hundred and thirty.

It is hardly necessary to comment upon the two statements made by this representative of the pilots' association.

THE BURDEN ON THE SAIL FLEET.

The effect of this burden upon the sail coastwise fleet is, I think, made too obvious for discussion by simply citing, as I will, the results in connection with a few vessels.

The schooner *Belle O'Neil*, which was purchased in June, 1904, produced, from 1904 to 1906, in two years and four months of time, total net earnings of \$3,180. She cost \$15,000. The earnings, without the payment of insurance, amounted to only 9.1 per cent per year. Upon this vessel, on account of her age, the insurance was 11 per cent per annum. Some of her owners insured and some did not insure. Those that did not insure, of course, in effect insured themselves. The net result of the operation of the vessel is, of course, to be reckoned upon the basis of the payment of insurance. If insurance had been paid on this vessel, instead of there being any net return from her she would have shown a loss of 1.9 per cent.

The schooner *Catherine Monahan* was a new vessel, launched in 1904, and up to October, 1906, she had made net earnings of \$9,400. She cost \$45,000. The insurance upon her was 8 per cent per annum. Her net earnings, without paying insurance, were 10.5 per cent, and after the payment of insurance it left only 2½ per cent for interest on the investment and depreciation. The estimate for depreciation is about 5 per cent per annum. No depreciation was estimated in the case of the *Belle O'Neil*, above referred to.

PILOTAGE FREQUENTLY EXCEEDS NET EARNINGS.

The schooner *Winfred A. Foran*, from May, 1905, to January, 1906, paid \$1,200. She cost \$17,000. Her net earnings would equal 10.5 per cent per year. She insured at 8 per cent, which would leave only 2.5 per cent for depreciation and interest. During the period in which she paid \$1,200, without reckoning insurance to her owners, she paid out in pilotage something like \$1,300.

A sample trip of the *Winfred A. Foran* is illuminating on the point of the proportion that the pilotage fees bear to the dividends paid to the owners. On her trip from June 7 to August 9, 1905, she paid in pilotage fees \$326.80, and on that same trip was able to pay to her owners only \$200.

In the case of the schooner *Laura C. Henderson*, the owners were compelled to pay \$562.50 after a charge had been made of \$662.50 in one trip, a large portion of which was caused by reason of the fact that they were obliged to make a harbor with a sick sailor and were required to pay pilotage in and out, even under those circumstances; and in this instance the vessel had the services of a tug, which rendered the services of the pilot in every sense unnecessary.

Between September, 1905, and October, 1906, the schooner *S. M. Bird* paid out in pilotage a little over \$1,400, and during that same time divided to her owners less than \$800.

The barkentine *Frances*, on a voyage from Norfolk to Charleston and return, paid out in pilotage \$270, and on the same trip the owners had left for her dividends \$97.06. The schooner *John R. Bergen* paid in four months in 1904 \$752 for pilotage, and during the same time paid to her owners only \$1,000 in dividends.

The schooner *Laura*, on a voyage from New York to Charleston and return, paid out in pilotage \$173.22, and paid to her owners \$312.55.

On the very next trip, to the same place and return, she paid in pilotage \$179, and to her owners \$116.32. These are simply sample illustrations, which could be duplicated indefinitely if I desired to go over the history of the sail coastwise fleet during the last eight or ten years.

DECLINE IN BUILDING SAIL VESSELS.

As a result of this condition, it is not surprising that the construction of vessels subject to this southern pilot tax has been

steadily decreasing and has now nearly ceased. For years prior to 1904 there were more wooden vessels built in the district than I have the honor to represent than in all the rest of the United States put together. This includes the Atlantic and Pacific coasts and the Great Lakes. Bath is by all odds the most important shipbuilding point in the district and for wooden vessels in the United States. The following extract from the principal newspaper printed in Bath is eloquent upon this point:

[Bath Daily Times.]

THE YEAR'S RECORD—NOT ONE TO WHICH BATH CAN POINT WITH PRIDE.

The year 1905 was a most unfortunate one for Bath shipyards so far as the amount of tonnage built and launched is concerned, thereby making the year appear small in comparison with many previous years. There were but eight vessels built, all schooners, and their aggregate tonnage was 8,454, divided among the following vessels:

	Tonnage.
Alice May Davenport	1,144
Evelyn W. Hinkley	698
Orleans	758
Camilla May Page	688
Frances Hyde	739
Herbert D. Maxwell	772
Davis Palmer	2,965
Robert P. Murphy	697

The comparison in the amount of tonnage with previous years is as follows:

	Tons.
1905, 8 vessels	8,454
1904, 26 vessels	26,683
1903, 23 vessels	25,149
1902, 26 vessels	31,663
1901, 28 vessels	33,563
1900, 35 vessels	41,532

This discrimination against the sail and in favor of the steam coastwise fleet, largely producing these results, is a direct subsidy to the steam fleet, a subsidy to corporate as against individual interests. Opposition to this bill means special privileges to steam vessels as against equal privileges to all vessels.

To-day there is but one wooden vessel on the stocks in Bath and but one other in the balance of my district. These facts show why it is that throughout my district such a large number of intelligent and capable mechanics are to-day deprived of their regular employment.

The people in my district are by no means those who are alone interested, as the vessels are owned to a very large extent outside the district, some having from 50 to 100 owners scattered all along the coast and over the country.

All the commerce up and down the coast is interested to wipe out this burden, and with practical unanimity is urging the passage of this bill.

It is true that in the course of this debate in opposition to this bill various suggestions and insinuations have been made in relation to other matters that have no connection of any kind with the bill pending before the House, made, no doubt, for the purpose of diverting discussion from the pending bill. As to all suggestions or insinuations of that character, it is only necessary to say that they are entirely immaterial, their introduction was unjustifiable, their purpose was easily apprehended, and I have no occasion at this time to either directly or indirectly make any further reference thereto.

Finally, I submit, Mr. Speaker, that if the question of labor is entitled to consideration in connection with this controversy, from 2,000 to 3,000 men in one district desiring work are entitled to more consideration than 130 men, the great majority of whom render no service and receive compensation for service never rendered; that as to the fact whether they are or are not in either instance federated with any labor organization should not affect their rights and interests in a matter of this kind; that the facts in this case clearly show that there is to-day ample tonnage engaged in the foreign trade to maintain and support all the pilots necessary for its use or its legitimate service in this territory; that the expenditure of millions and millions of dollars upon the improvement of harbors in the southern territories for the sole, express, and only purpose of maintaining them safe and approachable for all commerce has now placed them in a position where they are not entitled to insist upon levying tribute upon this sail coastwise fleet in order that they may be in a position to render service to another and independent branch of the merchant marine principally owned and conducted by foreigners; that comparing the compulsory pilotage territory with that where pilotage is free, the record, which can not be controverted, demonstrates beyond all controversy that the protection of life, person, and property is vastly better conserved in the territory where the pilotage is open to free competition and dependent upon actual services rendered than in the territory where the other system prevails; that there is nothing in any of the facts that will justify the House in further continuing the oppressive monopoly and handicap that now exists in favor of the steam coastwise tonnage, largely

owned by great corporate interests, against the sail coastwise fleet, which is the property of individual owners and is independently competing for its existence.

APPENDIX.

[House Report No. 1482, Fifty-ninth Congress, first session.]

DISCRIMINATION AGAINST SAILING VESSELS IN COASTING TRADE.

February 19, 1906.—Referred to the House Calendar and ordered to be printed.

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, submitted the following report:

[To accompany H. R. 5281.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 5281) entitled "A bill to remove discrimination against American sailing vessels in the coasting trade," having given the same careful consideration recommend that it do pass.

This bill extends to coastwise sailing vessels in the southern waters from Norfolk to Galveston the same rights which Congress has already granted to their competitors, the coastwise steamers, in those same waters, and which both sail and steam vessels enjoy on all the rest of the Atlantic coast, the Pacific coast, and on the Great Lakes and all rivers, i. e., the right to enter and leave those ports without paying for pilots when they do not use them and do not need them.

It affects the profits, according to the official representative of the pilots, of about 130 men, who now have a monopoly of the piloting business in those ports, neither the State nor the municipality being a sharer in the money thus collected.

It removes discriminating laws which are a relic of days when harbors were practically unmarked by light-ships, light-houses, and buoys, channels dredged and uncharted, and towboats, commanded by their own expert local pilots, taking vessels into and out of harbors unknown.

It enables American sailing vessels seeking shelter from the storm to enter those harbors, upon which the Government has spent so many millions to make them safely navigable, without being taxed for the privilege by private individuals whom they neither need nor use, just as such vessels freely enter all other ports and the southern port of Wilmington, N. C., since March, 1905, when that port was made free in both foreign and coastwise trade.

It has no reference to nor effect upon the general pilot system of the country, and therefore the great bulk of the objections and protests urged against the bill before the committee have no bearing upon it.

It does not, as has been often erroneously asserted, prevent or attempt to prevent sail vessels from employing a local pilot, but leaves them entirely free to employ one if they need him, in which case they of course pay for the service, as for any other service actually rendered to them.

In addition to the report of this committee made last year and annexed hereto and made a part of this report, it may be said that the mass of resolutions, petitions, letters, and telegrams from the great producers and shippers in the Southern States to this committee and the members thereof, herein quoted and summarized, is such as to command the utmost consideration and respect.

DELAWARE.

WILMINGTON, DEL., January 10, 1906.

HON. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We wish to advocate vigorously passage of Littlefield bill abolishing compulsory pilotage.

BUSH & RAYNER.

FLORIDA.

LIVE OAK, FLA., January 9, 1906.

HON. CHAS. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:

We own and operate two large sawmills, producing 100,000 feet of lumber daily; are large producers of naval stores; owners of timber land and managers of the Live Oak Ferry and Gulf Railway Company. We believe that the interests of manufacturers, shippers, and property owners in this State will benefit by the passage of the anti-compulsory pilotage bill and we urge its passage.

THE DAWLING LBR. AND N. S. CO.

JACKSONVILLE, FLA., January 11, 1906.

HON. C. H. GROSVENOR,
Chairman House Committee, Washington, D. C.:

We are large shippers of yellow-pine lumber from this port, Fernandina, and Gulf ports, and most urgently wish the passage of the anticomulsory pilotage bill.

ROBT. SIZER & CO.

WATERTOWN, FLA., January 9, 1906.

HON. C. H. GROSVENOR,
Chairman House Committee on
Merchant Marine and Fisheries,
Washington, D. C.:

We think the Littlefield anticomulsory pilotage bill now before Congress should be passed and strongly urge same. We being large sawmill owners, shippers from Fernandina and Jacksonville, timbered-land proprietors, and extensive operators in naval stores, believe it will promote our interests as well as other producers in the South.

EAST COAST LUMBER COMPANY.

JACKSONVILLE, FLA., January 10, 1906.

HON. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
House of Representatives, Washington, D. C.:

I respectfully urge passage of Littlefield anticomulsory pilotage bill. I am one of the largest shippers of railroad ties and lumber from Jacksonville, Fernandina, and Brunswick; heavily interested in timber and other property in this State, and believe this bill should pass in the interest of all producers and shippers and that it will be a benefit to the South.

DEXTER HUNTER.

Hon. C. H. GROSVENOR,
Washington, D. C.:
We, as lumber and cross-tie manufacturers and naval stores' operators in this State, advocate the passage of the Littlefield anticompsulsory pilotage bill.

EMPIRE LUMBER COMPANY.

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:
We own 200,000 acres of timber land, three large sawmills, and operate a railroad, and we strongly urge the passage of the anticompsulsory pilotage bill.

R. J. & B. F. CAMP LBR. CO.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:
We own 150,000 acres of timber and operate two large sawmills at Dunnellon and Crystal River, Fla. We believe the interests of shippers, manufacturers, and property owners in this State will be benefited by the passage of the anticompsulsory pilotage bill, and we strongly urge its passage.

CRYSTAL RIVER LUMBER CO.

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:
We are sawmill owners and shippers from this port. Urgently request the passage of the Littlefield anticompsulsory pilotage bill.

EAGLE MILLS LUMBER COMPANY.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:
While we are large shippers of phosphate rock to foreign ports and the Littlefield anticompsulsory pilotage bill has very little effect either way on our business, still we are especially interested that all laws affecting the shipping business through our southern ports shall be of such a nature as to render every possible advantage and be just and right, and feeling the injustice of the existing law of compulsory pilotage, we most heartily indorse the pending Littlefield bill.

DUTTON PHOSPHATE COMPANY.

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries,
Washington, D. C.:
We most urgently advocate passage of anticompsulsory bill. We are sawmill owners and have large timber interests in this State.

STANDARD CYPRESS CO.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:
We are owners of over 300,000 acres timber land in this State; manufacturers of railroad ties and timber, and strongly urge passage of Littlefield anticompsulsory bill, believing it will benefit this State and all the South.

THE ATLANTIC LUMBER CO.

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:
We are greatly in favor of passage of Littlefield anticompsulsory pilotage bill. We are large sawmill and landowners at Otto Creek, Fla., and shippers from Jacksonville and Fernandina.

BLISS & VANCKER.

W. D. CASH, Key West, Fla.:
Please wire, collect, if Plant Line steamers coming from Habana and going to Habana, in and out Key West, take pilots, and the amount of pilotage they pay. Do you know of any special arrangements they have? Wire fully.

N. A. BENNER & CO.

N. A. BENNER & CO.,
77 Water Street, New York, N. Y.:
Plant Line steamers from Key West to Habana, Habana to Key West, pay special rate pilotage \$1,300 year.

W. D. CASH.

N. A. BENNER & CO.,
77 Water Street, New York City:
Plant Line do not take pilots, but pay special rate mentioned.

W. D. CASH.

W. J. H. TAYLOR, Key West, Fla.:
Please wire, collect, if Plant Line steamers, coming from Habana and going to Habana, in and out Key West, take pilots, and the amount of pilotage they pay. Do you know of any special arrangements they have? Wire fully.

N. A. BENNER & CO.

N. A. BENNER & CO.,
77 Water Street, New York City:
Plant Line steamers do not take pilots either coming or going to Habana from Key West. Pilots have a special agreement with man-

ager of P. & O. Steamship Company for \$1,300 per year covering all their ships for pilotage.

W. J. H. TAYLOR.

JOHN T. GUNN, Tampa, Fla.:
Please ascertain and wire, collect, to-day if Plant's steamers running Habana employ pilots going in and out Port Tampa. Do you know of any special arrangement they have? If so, wire fully.

N. A. BENNER & CO.

N. A. BENNER & CO.,
77 Water Street, New York:
Steamers do not employ pilots. Captains have coastwise license. If any special arrangements is at Key West from Habana.

JOHN T. GUNN.

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee:
As owners of timber lands and sawmills and as lumber shippers we urge the prompt passage of Littlefield anticompsulsory pilotage bill, as in our interest, in the interest of all southern timber land and sawmill owners, and in order to place sail vessels on equal terms with steam vessels.

UNION PINOPOLIS SAW MILLS.
ASHBURN, GA., January 10, 1906.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:
Owning sawmills and timber lands, we ask for the early enactment of the Littlefield anticompsulsory pilotage bill, so as to put an end to the unfair discrimination against sail vessels in the coast trade and as in the interest of southern merchants, shippers, and vessel owners.

S. BETTS COMPANY.

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:
We earnestly urge enactment Littlefield anticompsulsory pilotage bill, being sawmill operators and owners of timber land in Georgia.

ENSIGN OSKAMP COMPANY.

Hon. CHAS. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:
Representing large sawmill interest and timber owners in Florida. Earnestly beg that you pass H. R. bill 5281, to remove discriminations against sail vessels.

GEORGIA-FLORIDA MILL COMPANY.

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries,
Washington, D. C.:
As producers and manufacturers of lumber, sawmill and timberland owners in Georgia request passage of Littlefield anticompsulsory pilotage bill.

ENSIGN LUMBER COMPANY.

Hon. C. H. GROSVENOR,
Chairman House Merchant Marine and Fisheries Committee,
Washington, D. C.:
As representing timber lands and as shippers of lumber we urgently request passage of House bill 5281, to remove discriminations against American sailing vessels in the coasting trade.

ENTERPRISE LUMBER COMPANY.

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:
Having large sawmill, timber land, and vessel interests, respectfully urge enactment Littlefield bill to abolish compulsory pilotage on sail vessels in coasting trade.

H. H. TEFT.

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:
Am shipping phosphate rock Tampa to Gulfport and paying four unnecessary pilotages every voyage. Vessel towing in and out of each port, and compulsory employment of State pilot grossly unjust and great hardship on shippers, vessel owners, and consumers; hence urge prompt passage Littlefield anticompsulsory pilotage bill.

McKING.

Hon. CHAS. H. GROSVENOR, Washington, D. C.:
Representing and owning sawmills and timber lands in the State of Georgia, and shipping annually over 60,000,000 feet, we strongly urge the passage of the Littlefield pilotage bill, H. R. 5281.

HILTON & DODGE LUMBER COMPANY.

Hon. C. H. GROSVENOR,
Washington, D. C.:
We feel that the Littlefield anticompsulsory pilotage bill is just and right, and we urge its passage.

RANDELL & McALLISTER.

[Brotherhood of Boiler Makers and Iron-Ship Builders of America, affiliated with American Federation of Labor, 1886.]

BATH, ME., February 9, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman of Merchant Marine and Fisheries Committee.

DEAR SIR: At the last regular meeting of the Boiler Makers and Iron-Ship Builders' Union, comprising over 400 men, it was voted that a communication be sent your honorable body urging that you do all in your power to abolish compulsory pilotage on coastwise shipping in southern ports, as we honestly believe that it is detrimental to our interests.

Very respectfully,

WILLIAM DONNELL, Secretary.

[Bath Central Labor Union, affiliated with A. F. of L.]

BATH, ME., February 9, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman of Merchant Marine and Fisheries Committee.

DEAR SIR: At the last regular meeting of the Bath Central Labor Union, comprising over 600 men, it was voted that a communication be sent your honorable body urging that you do all in your power to abolish compulsory pilotage on coastwise shipping in southern ports, as we honestly believe that it is detrimental to our interests.

Very respectfully,

WILLIAM DONNELL, Secretary.

BATH, ME., January 11, 1906.

C. H. GROSVENOR,
Merchant Marine and Fisheries Committee,
Washington, D. C.:

Use best efforts to pass pilot bill, and have prayers of all vessel owners.

G. C. DEERING CO.

PORTLAND, ME., January 11, 1906.

Hon. C. H. GROSVENOR, M. C.,
Washington, D. C.:

Littlefield anticompsulsory pilotage bill coming before committee to-day should be passed by all means; it would be a great benefit to shipping in this country.

EDW. L. FOSS.

PORTLAND, ME., January 11, 1906.

Hon. C. H. GROSVENOR,
Merchant Marine Committee, Washington, D. C.:

Littlefield anticompsulsory pilotage bill most vitally important.

JAMES W. PARKER, Shipowner.

BATH, ME., January 11, 1906.

Hon. C. H. GROSVENOR,
Washington, D. C.:

It is of vital importance that bill abolishing compulsory pilotage be passed.

J. W. HAWLEY, Vessel Agent.

BATH, ME., January 11, 1906.

Hon. C. H. GROSVENOR,
Washington, D. C.:

We earnestly urge the abolishment compulsory pilotage. Of great importance to our shipping interest.

PERCY & SMALL.

BATH, ME., January 11, 1906.

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:

It is of vital importance to our shipbuilding that compulsory pilotage be abolished.

JAS. B. DRAKE & SONS,
Shipowners.

PORTLAND, ME., January 10, 1906.

Hon. C. H. GROSVENOR, M. C.,
Washington, D. C.:

Consider passage Littlefield anticompsulsory pilotage bill very necessary; present law detrimental all shipping.

CENTRAL WHARF TOWBOAT COMPANY.

PORTLAND, ME., January 11, 1906.

Hon. C. H. GROSVENOR,
Washington, D. C.:

We strongly urge passage Littlefield anticompsulsory pilotage bill coming before committee to-day.

W. S. JORDAN & CO.

PORTLAND, ME., January 10, 1906.

Hon. C. H. GROSVENOR,
Merchant Marine Committee, Washington, D. C.:

We urge passage Littlefield anticompsulsory pilotage bill coming before committee to-morrow. Passage of this bill will benefit shipping materially.

J. S. WINSLOW & CO.

PORTLAND, ME., January 11, 1906.

Hon. C. H. GROSVENOR,
Washington, D. C.:

I trust committee will favorably consider passage Littlefield anticompsulsory pilotage bill now under advisement.

WM. L. BLAKE.

MARYLAND.

BALTIMORE, MD., January 4, 1906.

Hon. FRANK C. WACHTER,
Baltimore, Md.

DEAR SIR: The undersigned, citizens of Baltimore, who are ship-owners, ship captains, ship brokers, ship chandlers, lumber merchants,

fertilizer manufacturers, phosphate rock miners, phosphate rock shippers, coal miners, coal merchants, receivers and shippers of miscellaneous cargoes, and others, interested in the transportation of cargoes from southern ports to Baltimore and Baltimore to southern ports, respectfully request you to give favorable consideration and urge the prompt passage of H. R. 5281, entitled "A bill to remove discrimination against American sailing vessels in the coasting trade," to the end that relief may be afforded from an injustice that is steadily ruining our sailing-vessel business.

The passage of this bill will not affect the present pilotage system in our State, and your efforts to help secure its enactment will be greatly appreciated by the undersigned.

Davis Coal and Coke Company, E. Kelly Rothstin, manager; C. W. Hendley & Co., C. W. Hendley; W. K. Niver Coal Company, by J. W. Galloway; J. Stuart Trane & Co.; P. M. Wimble; Grange & Lewis; I. J. Beacham & Bro.; The Hubbard Fertilizer Company of Baltimore City, Howard Hubbard, secretary and treasurer; S. M. Hamilton Coal Company, Irving Adams, secretary and treasurer; Black-Sheridan-Wilson Company, Van Lear Black, treasurer; S. M. Johnson & Son Coal Company, Robert R. Marchant, treasurer; Maryland Transportation Company, B. L. Henderson, secretary-treasurer; Geo. W. Jones & Co., ship brokers; Fred L. Clayton & Co., ship brokers and commission merchants; Allston Stewart & Co.; Claridge & Woodall, shipowners; Thos. H. White & Co.; The American Towing and Lightering Company, R. J. Bradford, secretary and treasurer; Ryland & Brooks Lumber Company, Spottswood Bird, treasurer; Greenleaf Johnson Lumber Company, per W. F. Harrison; Wathen & Hooper, ship brokers; William D. Gill & Son; Thos. Matthews & Son; Geo. F. Sloan & Bro.; Spedden Shipbuilding Company, per H. Addiser; E. J. Codd Company; Thos. McCosker & Co.; Harry G. Skinner; Gray, Irelan & Co.; S. B. Marts Co., Jos. W. Brooks, secretary-treasurer; Maryland Coal and Coke Company, Henry G. Brown, president; Hite & Rafetto, G. R. Gavell, manager; The Armour Fertilizer Works, J. Allen Moore, manager; Merchants' Coal Company, C. W. Atkinson, treasurer; Georges Creek Coal and Iron Company, by William H. Cooper, treasurer; John D. Adams; Griffith & Boyd; Philip Weaver & Son Towing Company; G. Ober & Sons Company, Jno. K. Ober, vice-president; The Miller Fertilizer Company, Thomas H. Roberts, president; John A. Boyce; J. D. Sproul, master schooner *Augustus Welt*; Lynah & Read; Baugh & Sons Company, per A. G. Pinkerton; C. C. Paul & Co.; J. D. Harvey, master schooner *Sallie C. Moirre*; Piedmont-Mount Airy Guano Company, E. W. Levering, president; Keystone Coal and Coke Company, W. Burk Stewart, manager; William E. Woodall, sr., shipbuilder; Thos. C. Brook & Co., H. Allideter, president; Maury Railway Machinery and Boiler Works, J. J. Covel, secretary; O. Reeder & Son, per C. H. Reeder; Chas. L. Rohde & Son; Michael K. Cathall.

BALTIMORE, MD., January 9, 1906.

CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We urge the passage of the Littlefield bill abolishing compulsory pilotage as an unnecessary expense.

GEO. F. SLOAN & BRO.

BALTIMORE, MD., January 19, 1906.

Hon. C. E. LITTLEFIELD,
House of Representatives, Washington D. C.

DEAR SIR: We take the liberty of suggesting that we think your efforts to suppress the compulsory pilot charges should have the recognition and support of all those who have been imposed on for years.

We have a line of barges, entirely dependent on tugboats for movement, trading from James River points to New York, and, notwithstanding the tugs have Government pilots aboard, we are compelled to pay the Virginia Pilots' Association, a body which we understand is not even incorporated, a yearly fee of 10 cents per ton for the privilege of going and coming through the Capes.

We are writing our Representatives, Messrs. TALBOTT, WACHTER, and MUDD, urging them to stand by you, and hope before long to see the end of this odious custom, which in our case particularly is nothing more than a "hold up." The pilots render us no service whatever.

Respectfully, yours,

THE P. DOUGHERTY CO.
THOS. F. McHUGH.

BALTIMORE, January 18, 1906.

The Hon. Mr. LITTLEFIELD,
Member of House of Representatives, Washington, D. C.

SIR: We note in to-day's press an item relating to a "Protest from pilots," against your bill now before the House of Representatives. In this connection we beg to enter our protest against the tribute exacted of us and others so engaged in the coastwise trade under the compulsory pilotage laws now in force in Virginia and other southern ports.

Our tugs and barges are principally engaged in the coastwise trade towing barges coal laden between Virginia and New England ports, and the respective masters of our tugs hold Federal license, issued by the local steamboat inspectors, covering the Atlantic coast and tributaries. Yet, notwithstanding this fact, when our barges in tow of our tugs arrive at Virginia or other southern ports for cargo, we are compelled to either pay pilotage fees or purchase a yearly license on all of our barges, simply for the privilege of entering and leaving port.

In view of the fact that the pilots of said ports do not render any service whatsoever, but only speak the barges when they arrive and have been moored by our tugs, it would appear to our mind as nothing more or less than tribute. These barges can not move or shift without the power of the tug and are under the care and direction of the masters of said tugs, who, as stated above, hold Federal license governing such waters.

We therefore urge and request the repeal of the present compulsory pilotage laws.

Very respectfully, yours,

R. J. BRADFORD,
Secretary and Treasurer.

MASSACHUSETTS.

OFFICE OF THE CHINA MUTUAL INSURANCE COMPANY,
Boston, January 5, 1906.

CHARLES H. GROSVENOR, Esq.,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: We are pleased to express our approval of House bill No. 5281, introduced in the House of Representatives by Representative LITTLEFIELD, of Maine, "A bill to remove discrimination against American sailing vessels in the coasting trade." We understand that pilotage on our coastwise sailing fleet is not now compulsory in many of the States, and can be and is evaded in others by vessels taking out yearly licenses. We are inclined to think that a vessel making or leaving port in tow to be as safe if not safer without a local pilot, and in fact believe that the abolishment of compulsory pilotage on vessels covered by this bill will be a good thing for the safety of life and property. Remaining,

Yours, very truly,

EDMUND A. POOLE, President.

OFFICE OF FIELD & COWLES,
Boston, January 5, 1906.

CHARLES H. GROSVENOR, Esq.,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: We take pleasure in expressing our approval of House bill No. 5281, introduced in the House of Representatives by Representative LITTLEFIELD, of Maine, entitled, "A bill to remove discrimination against American sailing vessels in the coasting trade."

Pilotage on our coastwise sailing fleet is not now compulsory in many of our States, and can be and is evaded in others by vessels taking out a yearly license. We believe a vessel making or leaving port in tow to be as safe, if not safer, without a local pilot, and in fact fully believe that the complete abolishment of compulsory pilotage on vessels covered by this bill will at least work no harm to the safety of life or property.

Yours, very truly,

FIELD & COWLES, Agents.

BOSTON INSURANCE COMPANY,
Boston, January 9, 1906.

CHARLES H. GROSVENOR, Esq.,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: House bill No. 5281, introduced in the House of Representatives by Representative LITTLEFIELD, of Maine, entitled "A bill to remove discrimination against American sailing vessels in the coasting trade," has been called to our attention.

As a considerable portion of our business is the insuring of American sailing vessels and their cargoes in coastwise trade, we believe that the abolishment of compulsory pilotage on vessels, as covered by this bill, will be of no injury to life or property, and we hope that the bill will be passed.

Yours, truly,

R. B. FULLER, President.

BOSTON, MASS., January 12, 1906.

Hon. W. S. McNary,
House of Representatives, Washington, D. C.:

The maritime committee Boston Chamber of Commerce strongly indorses Littlefield anti-pilotage bill and urges its enactment.

DANL. D. MORSS, Secretary.

BOSTON, MASS., January 11, 1906.

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee:

The undersigned Boston merchants and shipowners earnestly request the passage of the Littlefield anticom-pulsory pilotage bill now before your committee, believing it for the mutual benefit of business and shipping and enhancing the safety of life and property.

Coastwise Transportation Co., Crowell & Thurlow, Philip Fitz, L. D. Baker, Wm. F. Palmer, James Bliss & Co., J. P. Elliott & Co., David W. Simpson, S. R. Crowell, C. S. Clidden & Co., H. Maynard, Allan Forbes, Charles Hunt & Co., Warren & Monks Co., Flitner, Atwood & Co., John S. Emory & Co., Wm. S. Spaulding, Geo. McQueston Co., P. S. Huckins & Co., Wendell F. Brown & Co.

BOSTON, MASS., January 11, 1906.

Hon. WM. S. McNary, Washington, D. C.

DEAR SIR: I wired you to-day urging you to support the Littlefield pilotage bill to abolish compulsory pilotage in coastwise trade, or, as it should more properly be designated, to extend to sailing vessels the privileges now enjoyed by steam vessels. I can assure you your support of this measure will receive the hearty approval of all the commercial bodies in Boston and redound to your credit among all thinking men whose interests lie in the line of a better merchant marine. I can not understand the action of the Boston pilots in opposing this measure; in no way does it affect their interests in Boston or in Massachusetts, and only extends to us the privileges of licensed masters piloting their own vessels in southern ports—a privilege they have exercised here for over thirty years with no ill results to the vessels themselves and great advantage to the commercial interests of Massachusetts.

Yours, truly,

R. R. FREEMAN.

BOSTON, MASS., January 10, 1906.

Hon. WM. S. McNary,
Member of Congress, Washington, D. C.:

Clients of mine interested in shipping request me to wire you regarding Littlefield pilotage bill. It ought to receive your support.

RALPH W. BARTLETT.

BOSTON, MASS., January 11, 1906.

Hon. WM. S. McNary, Washington, D. C.:

I earnestly urge you to support Littlefield bill abolishing compulsory pilotage. Absolutely no injury Massachusetts pilotage interests and great benefit Massachusetts shipping interests.

R. R. FREEMAN.

BOSTON, MASS., January 12, 1906.

Hon. C. H. GROSVENOR,
House of Representatives, Washington, D. C.:

The maritime committee Boston Chamber of Commerce strongly indorses Littlefield anti-pilotage bill and urges its enactment.

DANL. D. MORSS, Secretary.

Resolved, That the Boston Chamber of Commerce heartily indorses and urges the passage by Congress of House bill No. 5281, introduced by Congressman LITTLEFIELD, providing for the extension of the same privileges to coastwise sailing vessels now enjoyed by the coastwise steamers.

BOSTON, MASS., January 15, 1906.

The Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: The undersigned members of the Boston Marine Society and Shipmasters earnestly request that the Littlefield Pilotage bill, so-called, allowing the masters of sail vessels to be licensed to pilot their own vessels on the same conditions that were granted to the masters and mates of steam vessels many years ago, may become a law, and we also disapprove of the action taken by the trustees of the Boston Marine Society, who passed resolutions disapproving of said bill, none of said trustees being in active business as shipmasters, and not directly interested in this bill, which is a hardship to us as shipmasters and shipowners.

George W. Frost, agent, schooners *Tifton* and *C. L. Mitchell*; capacity, 2,000 tons. Alex. Ross, master, schooner *Helen W. Martin*; capacity, 3,500 tons. Geo. W. Dow, barkentine *Auburndale*; capacity, 900 tons. J. B. Crocker, agent and representing schooners *Addison E. Bullard*, *Harry T. Hayward*, *Joseph G. Ray*, *Winfield S. Schuster*, *Helen E. Taft*, aggregating 10,350 tons coal capacity. J. G. Crowley, general manager of vessels of 45,000 tons carrying capacity. James F. Bliss, owner of parts of 50 to 75 vessels of large carrying capacity. Daniel S. Emery, owner of parts of 30 vessels. John G. Moseley, owner of parts of vessels. Nehemiah B. Kelley, James Gurney, jr., Browning K. Bates. Donald B. Smith, master vessel 5,300 tons carrying (*Elizabeth Palmer*). Ralph E. Emery, treasurer of John S. Emery & Co., shipowners and managers.

MISSISSIPPI.

GULFPORT, MISS., January 9, 1906.

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.:

Owning sawmills and 75,000 acres of timber land in the State of Mississippi, we strongly urge the favorable consideration and prompt passage of H. R. 5281, removing discriminations against American sailing vessels, so that we may have the advantage of lower freight rates.

GULF COAST LUMBER COMPANY,
JOHN H. GARY.

GULFPORT, MISS., January 8, 1906.

Hon. H. GROSVENOR, Washington, D. C.:

As shipper of lumber and agent of two American sailing vessels, I strongly urge the prompt passage of H. R. 5281, to remove discriminations against American vessels.

H. SPROUL.

GULFPORT, MISS., January 9, 1906.

Hon. CHAS. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee, Washington, D. C.:

We earnestly urge the passage of the Littlefield pilotage bill, to remove discriminations against American sailing vessels; and have mailed to Hon. JOHN SHARP WILLIAMS petition signed by practically all shippers here, representing production over 200,000,000 feet lumber annually, and also signed by other industries interested.

GULFPORT COTTON OIL AND FERTILIZER
MANUFACTURING COMPANY,
JOS. DENNEE, Manager.

GULFPORT, MISS., January 29, 1906.

Congressman LITTLEFIELD,
Washington, D. C.:

We earnestly hope that your bill (H. R. 5281) to remove discrimination against American sailing vessels will be favorably reported and passed. We are forwarding Hon. JOHN SHARP WILLIAMS to-day petition from lumber merchants in this section whose yearly output is over 200,000,000 feet, together with signatures from other industries, all strongly favoring bill.

GULFPORT COTTON OIL FERTILIZER AND MANFG. CO.
JOSEPH DENNEE, Manager.

The honorable SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: We, the undersigned, fertilizer manufacturers, lumber manufacturers, shippers, receivers of miscellaneous cargoes, merchants and citizens of the State of Mississippi, whose principal shipping terminals are Gulfport and Pascagoula, respectfully request the favorable consideration and prompt passage of H. R. 5281, entitled "A bill to remove dis-

crimination against American sailing vessels in the coasting trade;" and we hereby protest against such vessels in the coasting trade being compelled to employ State pilots when their services are not required, an imposition from which Congress thirty-five years ago relieved steam vessels, the denial of which relief to sailing vessels constitutes the discrimination complained of, a hardship especially severe upon the commerce of Mississippi, as our ports are mainly dependent upon sailing vessels for the transportation of our commerce.

Gulfport Cotton Oil Fertilizer and Mfg. Co.—Capital invested, \$600,000 in plant and material, Joseph Denne, secretary and manager; Gulf Coast Lumber Company, shipments, 40,000,000 feet per year, owners 75,000 acres timber land; S. S. Henry, Jr., exporter pitch, pine lumber, and timber; S. E. Naylor, exporter lumber and timber; Thayer Export Lumber Company, per F. A. Frese, vice-president, exporters yellow-pine lumber and timber; H. K. Denny, exporter of lumber; Foster Brothers, exporters; Ten Mile Lumber Co., lumber shippers; W. A. Powell Co. (Limited), exporters timber and lumber; Gulfport News, W. H. Sutzler, editor; Wm. Whitmer & Sons (Incorporated), lumber exporters; O. G. O'Ganach, editor Gulfport Record.

NEW JERSEY.

CAMDEN, N. J., January 10, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We earnestly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. It is unnecessary and detrimental to best business interest.

MUNGER & BENNETT.

MANASQUAN, N. J., February 6, 1906.

The Hon. BENJ. F. HOWELL,
Washington, D. C.:

We, the undersigned, masters and owners of vessels employed in the coastwise trade, do respectfully petition you to use every means in your power to secure the passage of the bill now before Congress prohibiting compulsory pilotage.

Asher Curtis, managing owner schooner *Sarah W. Lawrence*, and others; Geo. Bailey, managing owner schooner *Malcolm Barter* and others; B. B. Pearce, owner; M. D. Mann, owner; F. O. Bailey, manager and owner schooner *H. S. Little*; Randolph Longstreet, master *Greenleaf Johnson*; E. S. Vanleer, vessel owner; Theodore Cook, vessel owner; A. F. Vonnote, vessel owner; M. M. Pierce, vessel owner; Levi Curtis, vessel owner; Elwood A. Lyman, vessel owner; C. J. Parker, vessel owner; T. A. Zimmermann, vessel owner; Fred F. Schock, vessel owner; H. Getzinger, vessel owner; Wm. H. Potter, vessel owner; B. H. Hills, vessel owner; G. A. Johnson, vessel owner; J. F. Bowne, vessel owner.

NEW YORK.

NEW YORK, January 10, 1906.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill abolishing same.

NEW YORK, January 10, 1906.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We object compulsory pilotage on coasting vessels; consider it injurious to lumber trade, and we urge passage of Littlefield bill abolishing same.

ATLANTIC COAST LUMBER CORPORATION.

NEW YORK, January 16, 1906.

CHARLES H. GROSVENOR, Esq.,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: In the discussion on the pilot's bill we notice the signature of Captain Rawding, of the bark *Rose Innes*, against the proposed legislation. We beg to advise you that we are managing owners of this bark, the captain having but a very small interest. We believe through misrepresentation that he has signed the petition against the proposed legislation, and we hereby wish to be on record as going in favor of the proposed change in law removing the discrimination against American vessels. Compulsory pilotage imposes a very heavy tax on American vessels and it should be removed at once. The bark *Rose Innes* on her last trip to Fernandina, under date of December 30, paid for inward pilotage \$80, for outward pilotage \$120, making a total of \$200, although she had been towed into that port by a tugboat at an expense of \$103.45, and the services of a pilot were entirely unnecessary.

We trust that this letter will receive due attention, and remain,
Yours, truly,

JAS. W. ELWELL & Co.,
Managing Owners Bark *Rose Innes*.

NEW YORK, January 30, 1906.

Hon. WILLIAM S. GREENE,
Fall River, Mass.

DEAR SIR: I understand that there is a bill before the Committee on Merchant Marine and Fisheries which proposes to abolish the extensive charges for pilotage on the southern Atlantic coast, and I wish to enter my protest against the present law, through which sailing vessels have to bear a charge which is most onerous and unnecessary to a trade which at best is scarcely able to live under the restrictions by which it is handicapped. I have no special interest in sailing vessels beyond that of one who wishes to see every class of the merchant marine developed and bettered.

Respectfully,

T. W. MILLER.

PORT JEFFERSON, N. Y., January 16, 1906.

THE CHAIRMAN OF THE COMMITTEE
ON THE MERCHANT MARINE AND FISHERIES,

Washington, D. C.

DEAR SIR: My attention has been called to a letter signed by Capt. Chas. Thompson, master of schooner *Florence Randall*, which Mr. J. M. McDonald, manager pilots' office, Charleston, S. C., is using to bolster up the claim of compulsory pilotage. I beg to state that Capt. Chas. Thompson had no interest in schooner *Florence Randall*; was simply sailing master of said vessel, and has been dead for six years or more. I wish to state further, as master and owner of schooner *Florence Randall* and other vessels for many years, have an equal or greater knowledge of the situation than Captain Thompson had, and since the improvements made by the Government at the southern harbors and bars, the increased number of tugs, and the almost absolute necessity of towing in and out of harbors between the lines of jetties, make compulsory pilotage a burden on shipping, wholly unnecessary and unwarranted, and for that reason should be abolished.

Very truly, yours,

CAPT. H. M. RANDALL,
Formerly captain and owner of the following vessels
trading in southern waters: Schooner *Mable Thomas*,
schooner *Hattie V. Kelsey*, schooner *Florence Randall*,
schooner *Lucy H. Russell*.

STATE OF NEW YORK.
In Senate.

ALBANY, N. Y., February 8, 1906.

Introduced by Mr. Henry W. Hill:

A concurrent resolution of the legislature of the State of New York, addressed to the United States Senators and Representatives in Congress of the United States from the State of New York, in relation to pilots and coastwise sailing vessels engaged in domestic commerce.

Whereas the State of New York is deeply concerned in all matters affecting its commerce and in the welfare and prosperity of its citizens engaged in transportation, as is shown in its maintenance of a magnificent system of canals, now under enlargement, and in the appointment of commissions to inquire into the cause of the decline and the means for the revival of its commerce; and

Whereas sailing vessels in our coast trade (many of which are owned in this State) are at present subject to an unjust and onerous burden in being compelled to employ State pilots in the ports of the States south of the capes of Virginia, whether the services of such pilots be required or not, a compulsion from which steam vessels have been exempt by an act of Congress approved on February 28, 1871, nearly thirty-five years ago; and

Whereas bills are now pending in each branch of Congress, to wit: Senate bill No. 30 and House bill No. 5281, providing for the exemption of sailing vessels in the coasting trade from the compulsory employment of State pilots, when such vessels are commanded by licensed United States pilots or when they are in tow of tugboats that are commanded by licensed United States pilots: Therefore, be it

Resolved (if the assembly concur), That it is the sense of the legislature of the State of New York that American sailing vessels in the coasting trade should be exempt from the compulsory employment of State pilots as American steam vessels long have been; and therefore, be it further

Resolved (if the assembly concur), That the Senators and Representatives from the State of New York be, and they hereby are, respectfully requested to support and advocate the enactment of such measures in Congress providing for such exemption, as being conducive to the increase of our commerce and the greater prosperity of our citizens.

By order of—

THE SENATE,
LAFAYETTE B. GLEASON,
Clerk.

IN ASSEMBLY, February 12, 1906.

Concurred in without amendment.
By order of the assembly.

A. E. BAXTER, Clerk.

NORTH CAROLINA.

GARYSBURG, N. C., January 9, 1906.

Hon. CHARLES H. GROSVENOR,
Washington, D. C.:

We are strongly in favor of Littlefield bill, as we think compulsory pilotage on coasting vessels injurious to business.

GARYSBURG MANUFACTURING COMPANY.

EDENTON, N. C., January 9, 1906.

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We regard compulsory pilotage on coasting vessels a great injury to business and wholly unnecessary. The passage of Littlefield bill abolishing same is strongly urged.

BRANNING MANUFACTURING COMPANY.

ELIZABETH CITY, N. C., January 9, 1906.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We desire the passage of the Littlefield bill abolishing compulsory pilotage, which entails unnecessary expense upon shippers.

BLADES LUMBER COMPANY.

HERTFORD, N. C., January 9, 1906.

Hon. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We urge Littlefield bill. Compulsory pilotage on coasting vessels is a drawback to commerce.

MAJOR & LOOMIS COMPANY.

ASHPOLE, N. C., January 10, 1906.

Hon. CHAS. H. GROSVENOR,
Washington, D. C.:

We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels, as it is unnecessary and injurious to business.

SOUTHEASTERN LUMBER COMPANY.

WASHINGTON, N. C., January 11, 1906.

HON. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill abolishing same.

EUREKA LUMBER COMPANY.

WILMINGTON, N. C., January 10, 1906.

HON. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We are heartily in sympathy with Littlefield bill abolishing compulsory pilotage on coasting vessels, and we strongly urge its passage. Compulsory pilotage is a menace to business, and we consider it altogether unnecessary.

ANGOLA LUMBER COMPANY.

BOARDMAN, N. C., January 10, 1906.

HON. CHAS. H. GROSVENOR,
Washington, D. C.:

We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels as unnecessary and injurious to business.

BUTTER'S LUMBER COMPANY.

NEWBERN, N. C., January 10, 1906.

HON. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilot on sailing vessels injurious to navigable business. We urge passage of Littlefield bill abolishing same.

THE PINE LUMBER COMPANY.

AYDEN, N. C., January 10, 1906.

HON. CHAS. H. GROSVENOR,
Washington, D. C.:

We think compulsory pilotage on coasting vessels is injurious to business, and we desire to see passage of Littlefield bill abolishing same.

THE AYDEN LUMBER COMPANY.

WELDON, N. C., January 10, 1906.

HON. CHAS. H. GROSVENOR,
Washington, D. C.:

Compulsory pilotage on coasting vessels is no good, and damaging to business. We strongly advocate passage of Littlefield bill abolishing same.

THE WELDON LUMBER COMPANY.

THOMASVILLE, N. C., January 10, 1906.

HON. CHAS. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We urge passage of Littlefield bill, abolishing compulsory pilotage on coasting vessels.

BECK-CROUSE LUMBER COMPANY.

WILMINGTON, N. C., January 10, 1906.

HON. CHAS. H. GROSVENOR,
Washington, D. C.:

We heartily favor passage of Littlefield bill. Compulsory pilotage on coasting vessels is unnecessary and injurious to business.

CHADBOURN SASH, DOOR, AND LUMBER COMPANY.

EVERETTS, N. C., January 10, 1906.

HON. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

Strongly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels.

G. P. McNAUGHTON.

WILLIAMSTON, N. C., January 10, 1906.

HON. CHARLES H. GROSVENOR,
Washington, D. C.:

We urge passage of Littlefield bill doing away with compulsory pilotage on coasting vessels.

THE DENNIS SIMMONS LUMBER COMPANY.

NEWBERN, N. C., January 9, 1906.

HON. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington D. C.:

We desire the passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. It will greatly benefit shipping interests.

BLADES LUMBER COMPANY.

BELHAVEN, N. C., January 10, 1906.

HON. CHARLES H. GROSVENOR,
Washington, D. C.:

We strongly urge the passage of Littlefield bill abolishing compulsory pilotage on coasting vessels, which is unnecessary and injurious to business.

BELHAVEN LUMBER COMPANY.

WILMINGTON, N. C. February 2, 1906.

HON. CHARLES H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: Being lumber manufacturers at this port and building another large mill on the Cape Fear River, together with owning about 200,000 acres of timber and other lands in this vicinity, we are much interested and have been closely watching the reports of hearings on H. R. 5281, introduced by Mr. Littlefield, of Maine, entitled "A bill to remove discriminations against American sailing vessels in the coasting trade," and owing to our hard fight that we had with the pilots at this port, we sympathize with our southern merchants who desire this bill to pass, but who are not strong enough to make a winning fight against the powerful organization of the pilots who retain representatives at the capitals wherever the bill is introduced.

The main argument put forth by the pilots here last year was that they could not keep up the "system" if the coastwise pilotage was removed. This port, through the legislature of our State, not only secured the abolition of compulsory pilotage in the coastwise trade, but went further and abolished it in the foreign trade, thereby relieving us of a heavy tax on our imports and exports. We believe compulsory pilotage is a tax on commerce that long ago should have been abolished, and it is the earnest hope of all merchants in this locality that the Littlefield bill will become a law and permit the merchants of Wilmington to send vessels to and receive them from southern ports without compelling them to pay tribute to a "system" no longer necessary by reason of the large expenditure of money made by our Government to deepen and widen our channels and harbors. Compulsory pilotage has been abolished at this port for nearly a year, and during that time not one accident to shipping has occurred that could be charged up against the benefits derived from making this a free port. This should be sufficient reason why the Littlefield bill should be enacted and become a law.

The feeling of our people was expressed at a banquet given here on the 31st ultimo by the chamber of commerce. The president, who acted as toastmaster, asked our Congressman and Senator, who were present, to support the bill, and requested that all rise to the toast "The only free port south of Maine."

A year ago we had about forty pilots employed, who did service at their pleasure, now we have six or eight that make a business of it.

Hoping that the bill will receive favorable consideration from your committee and be enacted and become a law, we beg to remain,

Yours, truly,

WACCAMAW LAND & LUMBER CO.
C. E. CLARK, Treasurer.

[The Morning Star, Wilmington, N. C., Tuesday, February 6, 1906.]

NATIONAL PILOTAGE LAW—BILL NOW PENDING IN CONGRESS RECEIVES LOCAL INDORSEMENT.

The chamber of commerce, at its special meeting yesterday afternoon, made the following indorsement of the bill now pending in Congress to abolish compulsory pilotage on all American sailing vessels engaged in the coasting trade, viz:

"Whereas there is now before Congress H. R. 5281, entitled 'A bill to remove discrimination against American sailing vessels in the coasting trade,' and

"Whereas the State of North Carolina abolished compulsory pilotage at this port March, 1905, and by so doing relieved us of a heavy burden upon our imports and exports and without increasing the dangers to shipping; and

"Whereas we believe compulsory pilotage is a tax on commerce between the States that ought not to exist, and the abolition of compulsory pilotage at this port has proven greatly beneficial to our interests and has in no way interfered with the safety of vessels entering and leaving this port: Therefore be it

"Resolved, That the Chamber of Commerce of Wilmington, N. C., recognizing the importance of cheap transportation and unhampered intercourse between the different sections of the United States, warmly commend the bill, and express the earnest hope that the measure will receive the support of our Representatives in Congress; and be it further

"Resolved, That a copy of these resolutions be sent to Hon. GILBERT B. PATTERSON and the other Representatives from this State, and also to Hon. CHAS. H. GROSVENOR, chairman of Merchant Marine and Fisheries Committee."

RHODE ISLAND.

PROVIDENCE WASHINGTON INSURANCE COMPANY.

Providence, R. I., January 10, 1906.

HON. CHARLES H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: As an insurer of American hulls and cargoes between coast ports, we desire to express our opinion that the abolition of the compulsory pilotage law, in its application to this class of business, is a wise measure, and we hope that it will be done. We believe that it will not increase the loss of life or property.

Yours, truly,

J. B. BRANCH, President.

SOUTH CAROLINA.

ATLANTIC COAST LUMBER CORPORATION,

Georgetown, S. C., January 10, 1906.

HON. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.

DEAR SIR: We wired you to-day as follows:

"As manufacturers, shippers, and owners of vessels and steamers we desire to state that we favor the passage of the Littlefield bill abolishing the compulsory pilotage system, as same works a hardship, injures business, and is unnecessary," and now beg to confirm same.

We not only manufacture and ship from 120,000,000 to 130,000,000 feet of lumber annually, but also operate steamers, vessels, barges, and tugboats on a large scale. To our minds the compulsory pilotage system entails an unnecessary expense each year which we have to pay on account of the toll levied upon the vessels, barges, and steamers, whether they use the pilotage or not. This system is a relic of the old days and has lost its usefulness, having originated when we had no improved harbors or coast surveys or modern light-houses. Its necessity for existence having now ceased, its usefulness also, it has decidedly become a menace rather than a benefit. In canvassing our local shippers we find that they, with the marine insurance companies, favor the Littlefield bill enthusiastically. We sincerely trust that this bill may be favorably reported by your committee and passed by the Congress.

Yours, very truly,

ATLANTIC COAST LUMBER CORPORATION,
By RAYMOND S. FAIR, General Manager.

BRADLEY, S. C., January 11, 1906.

HON. CHAS. H. GROSVENOR, Washington, D. C.:

I indorse the opinion that compulsory pilotage on coasting vessels is unnecessary and greatly cripples business. We earnestly desire passage of Littlefield bill to abolish same.

F. P. RUSH.

CHARLESTON, S. C., January 10, 1906.

HON. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
Compulsory pilotage coasting vessels means 20 cents per thousand feet loss to us, against Georgia shippers. We want Littlefield bill passed.

ANDERSON LUMBER COMPANY.

LUMBER, S. C., January 10, 1906.

HON. CHAS. H. GROSVENOR, Washington, D. C.:
Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill abolishing same.

THE WILLIAMS AND McKEITHAN LUMBER COMPANY.

GEORGETOWN, S. C., January 11, 1906.

HON. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
We ship 15,000,000 feet lumber by water annually, and strongly urge passage Littlefield bill abolishing compulsory pilotage.

GARDNER & LACEY LUMBER COMPANY.

COLUMBIA, S. C., January 10, 1906.

HON. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels.

LEAPHART LUMBER COMPANY.

CHARLESTON, S. C., January 10, 1906.

HON. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
Compulsory pilotage on coasting vessels very damaging to business. Would urge passage of Littlefield bill abolishing same.

LEAPHART LUMBER COMPANY.

ALCOLA, S. C., January 9, 1906.

HON. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
We strongly recommend passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. It is needless expense and no longer necessary.

D. W. ALDERMAN & SONS CO.

GREENWOOD, S. C., January 9, 1906.

HON. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
We believe compulsory pilotage on coasting vessels will be injurious to business. We favor passage of Littlefield bill abolishing same.

W. J. SNEAD LUMBER COMPANY.

ELLIOTT, S. C., January 10, 1906.

HON. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
Compulsory pilotage coasting vessels unnecessary and injurious to business. We strongly urge passage Littlefield bill abolishing same.

ELLIOTT LUMBER COMPANY.

SUMTER, S. C., January 10, 1906.

HON. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
We beg favorable consideration of Littlefield bill abolishing compulsory pilotage on coasting vessels as of utmost importance.

ROCKY BLUFF LUMBER COMPANY.

CHARLESTON, S. C., January 10, 1906.

HON. CHARLES H. GROSVENOR,
Washington, D. C.:
Compulsory pilotage coasting vessels unnecessary; injurious to business; urge passage of Littlefield bill.

A. J. BARTON.

DARLINGTON, S. C., January 10, 1906.

HON. CHARLES H. GROSVENOR,
Washington, D. C.:
Compulsory pilotage on coasting vessels unnecessary and injurious to our business. I strongly urge passage of Littlefield bill abolishing same.

S. H. WILDS, Lumberman.

SUMTER, S. C., January 10, 1906.

HON. CHARLES H. GROSVENOR,
House of Representatives, Washington, D. C.:
Compulsory pilotage on coasting vessels is both injurious and unnecessary to business. We therefore strongly urge passage of Littlefield bill abolishing same.

SUMTER LUMBER COMPANY.

SELLERS, S. C., January 10, 1906.

HON. CHAS. H. GROSVENOR,
Washington, D. C.:
We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coast vessels, which is an unnecessary tax on this trade.

TILGHMAN LUMBER COMPANY.

SALEM, S. C., January 10, 1906.

HON. CHAS. H. GROSVENOR,
Washington, D. C.:
We understand Littlefield bill abolishing compulsory pilotage on coasting vessels will be before your committee to-morrow. Compulsory pilotage is not only unnecessary, but is a menace rather than a benefit to business. We strongly urge passage of Littlefield bill.

THE WILSON LUMBER COMPANY.

EFFINGHAM, S. C., January 10, 1906.

HON. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
We are strongly in favor of Littlefield bill abolishing compulsory pilotage on coasting vessels. Is detrimental to business.

DARGAN LUMBER COMPANY.

DILLON, S. C., January 10, 1906.

HON. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
Compulsory pilotage on coasting vessels unnecessary and injurious to business. We approve Littlefield bill abolishing same.

BETHEA LUMBER COMPANY.

DAVIS STATION, S. C., January 10, 1906.

HON. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
We strongly urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels, as it is unnecessary and injurious to business.

C. M. DAVIS LUMBER COMPANY.

CHERAW, S. C., January 9, 1906.

HON. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
DEAR SIR: We notice that the Littlefield bill for abolishing compulsory pilotage on coasting vessels will come up for discussion before your committee this week. We want to urge the passage of this bill. We are sure that the present laws on the subject were made to suit conditions that do not exist to-day, and are now, under the changed conditions, working injury and hardship to business, particularly the lumber business.

Yours, very truly,

WM. GODFREY & CO.

MANDEVILLE, S. C., January 11, 1906.

HON. CHAS. H. GROSVENOR,
Washington, D. C.:
Compulsory pilotage on coasting vessels is injurious to business and we think very unnecessary. We strongly urge passage of Littlefield bill abolishing same.

ACME LUMBER CO.

GEORGETOWN, S. C., February 17, 1905.

MESSRS. WINYAH LUMBER COMPANY,
Georgetown, S. C.

DEAR SIRS: As compulsory pilotage on coasting vessels trading to southern points is now being fought in Congress, I would like to give my experience of thirteen years out and in of Georgetown, S. C. It is not once out of six months that I get a bar pilot outside of the bar buoy. They have no boat suitable to cruise outside, and it is only in very moderate weather or when they go out in a tug that they are seen outside of the jetties. The work is done mostly by the towboats, that have experienced captains, and the pilot takes a free ride to town, and any sailor that can steer a course can steer to follow a tug. The pilots claim that on schooners going to sea loaded they are needed on board the vessels to see that they are kept in the proper channel, and yet I have seen vessels grounded when they would put the blame all on the captain of the tug and not know themselves when the vessel was in deepest water. To prove the presence of a pilot is not necessary on a vessel—hundreds of vessels are towed up and down the Black, Pee Dee, and Waccamaw rivers, both light and loaded, both day and night, in shallow water and narrower channels than in the bay, with only their vessel crews on board, and not one vessel in fifty ever had any trouble in any way. The service of a pilot is not necessary to any vessel making this port with a good chart, and as there is a telephone system from the light-house to the city a tug can always be had, if not at the bar, in a very short time.

The expenses of towing are quite heavy, and with the additional expense of pilots makes port charges very high. The present rate of pilotage is the same as it has been for many years, and lumber freights were nearly double what they are to-day when the rates were made. And to-day we pay from \$10 to \$12 per man more for sailors, the same for mates and stewards, 25 to 30 per cent more for provisions, and the rates for stevedoring increasing almost every year. Vessel expenses are also higher, and yet we have less freights to meet their expenses. With the present business of about 12,000,000 feet of lumber per month shipped from here, anyone can readily see that it takes many vessels to carry it, and the plain facts are that we are supporting a class of pilots in comparative luxury for no services at all. Again, some ports have pilot licenses for one year. Why should we walk up to their offices and pay them from \$25 to \$200 for the privilege of handling our own vessels, when there are no better pilots than the captains who are going in and out every month for years? I think the pilotage system in this port the worst system in the South, and we are surely paying a bill for little or no services rendered. This seems to be the experience of about all the vessels coming in here, and I hope they will express their opinion on it.

A. J. SLOCUM,
Schooner City of Georgetown.

SUMTER, S. C., January 12, 1906.

HON. CHAS. H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:
Kindly put forth your best efforts to urge passage Littlefield bill abolishing compulsory pilotage. It is unnecessary and detrimental to our business.

H. G. McLAURIN, Jr.

GEORGETOWN, S. C., January 10, 1906.

HON. CHAS. H. GROSVENOR,
Dewey, Washington, D. C.:
As manufacturers, shippers, and owners of vessels and steamers, we desire to state that we favor the passage of the Littlefield bill abolishing the compulsory pilotage system, as same works a hardship, injures business, and is unnecessary.

ATLANTIC COAST LUMBER CORPORATION.

Hon. CHAS. H. GROSVENOR,
St. GEORGE, S. C., January 11, 1906.
Washington, D. C.:

It is to the general interest, lumber industry especially, that the Littlefield pilotage bill be passed, and we respectfully urge your support of same.

DORCHESTER LUMBER COMPANY.

Hon. CHAS. H. GROSVENOR,
SUMTER, S. C., January 10, 1906.
Washington, D. C.:

We urge passage Littlefield bill abolishing compulsory pilotage on coasting vessels. Present system injures business greatly.

C. M. BETTS & Co.

Hon. CHAS. GROSVENOR,
TIMMONSVILLE, S. C., January 10, 1906.
Washington, D. C.:

Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill about abolishing it.

TIMMONSVILLE LUMBER COMPANY.

Hon. CHAS. H. GROSVENOR, M. C.,
WALHALLA, S. C., January 10, 1906.
Washington:

The passage of Littlefield bill to prevent compulsory pilotage and posting vessels will locally benefit lumber business of this section.

BROWN LUMBER COMPANY.

Hon. CHAS. H. GROSVENOR,
SUMTER, S. C., January 9, 1906.
Chairman Merchant Marine Committee, Washington, D. C.:

Think compulsory pilotage on vessels unnecessary and hurtful to business. Sincerely hope passage of Littlefield bill will be effected.

JNO. H. SIZER LUMBER COMPANY.

Hon. CHAS. GROSVENOR,
MANNING, S. C., January 10, 1906.
Washington, D. C.:

We are opposed to compulsory pilotage on coasting vessels and will be glad to see the Littlefield bill passed abolishing same.

THOMAS & BRADHAM.

Hon. CHAS. H. GROSVENOR,
GREENEVILLE, S. C., January 10, 1906.
Washington, D. C.:

We consider compulsory pilotage of coasting vessels unnecessary and injurious to business and strongly urge the passage of Littlefield bill abolishing same.

MALLARD LUMBER COMPANY.

Hon. CHAS. H. GROSVENOR,
HARTSVILLE, S. C., January 12, 1906.
Washington, D. C.:

Compulsory pilotage on coasting vessels is unnecessary and injurious to business. We strongly urge passage of Littlefield bill.

LEE & TILLOTSON.

Hon. C. H. GROSVENOR,
SUMTER, S. C., January 13, 1906.
Chairman Merchant Marine Committee, Washington, D. C.:

Compulsory pilotage unnecessary on coasting vessels. Do all possible to pass Littlefield bill abolishing same.

PENNSYLVANIA LUMBER CO.

Hon. CHAS. H. GROSVENOR,
WISACKY, S. C., January 11, 1906.
Chairman Merchant Marine Committee, Washington, D. C.:

Urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. I deem bill wise and helpful to business.

ROBT. M. COOPER.

Hon. CHAS. H. GROSVENOR,
ALCOLU, S. C., January 10, 1906.
Chairman Merchant Marine Committee, Washington, D. C.:

DEAR SIR: We have wired you as follows:
"We strongly recommend passage of Littlefield bill abolishing compulsory pilotage on coasting vessels. It is needless expense and no longer necessary."

The present compulsory pilotage system seems to be doing neither manufacturer, shipper, shipowner, nor the consumer any good, but all of whom seem to be paying their pro rata share of this unnecessary expense in the high freight rates, which could be reduced if this toll were removed.

Under the present improved conditions of our harbor it would seem that there is no longer any necessity for this expense, and we sincerely hope that it will be abolished.

Yours, very truly,

D. W. ALDERMAN & SONS Co.,
By R. J. ALDERMAN, Treasurer.

VIRGINIA.

CHAS. H. GROSVENOR,
RICHMOND, VA., January 10, 1906.
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.:

The Richmond Chamber of Commerce is absolutely opposed to the existing pilot laws of Virginia, and has endeavored frequently, but in vain, to have them suitably amended to present conditions. Failing in that effort it has favored Federal control of the question of pilotage, recognizing that it is a matter properly within the jurisdiction of the General Government, and that the States exercising the function of control in most instances have regulated it in the interests of monopoly and to the serious detriment of the commerce of the country, both foreign and coastwise.

R. A. DUNLOP,
Secretary the Richmond Chamber of Commerce.

LYNCHBURG, VA., January 9, 1906.
Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine Committee, Washington, D. C.:

We urge passage of Littlefield bill abolishing compulsory pilotage on coasting vessels.

HICKSON LUMBER COMPANY.

Hon. CHARLES H. GROSVENOR,
NORFOLK, VA., January 10, 1906.
Washington, D. C.:

The lumber manufacturers of Virginia, North and South Carolina, representing the largest industry of these States, unanimously urge the passage of the Littlefield bill abolishing compulsory pilotage on coasting vessels, as the present law is a menace to the business of this section and to the whole shipping industry.

THE NORTH CAROLINA PINE ASSOCIATION COMPANY.

THE NORTH CAROLINA PINE ASSOCIATION (INCORPORATED),
Norfolk, Va., February 17, 1905.

Hon. C. H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: I am handing you herewith a copy of a resolution unanimously adopted by this association at its meeting on February 9, expressing, on behalf of the great lumber industry of Virginia and North and South Carolina, unequivocal disapproval of the pernicious practice of exacting compulsory pilotage from all sailing vessels engaged in the coastwise trade at ports on the South Atlantic coast. We regard this practice as unnecessary for the support of an effective pilotage system and as a menace rather than a security to the safety of life and property upon the high seas.

We believe that if at any time there existed a reason for the establishment of these charges this condition has not only long since ceased to exist, but that this system has signally failed to accomplish the results which were and are argued as a justification for its existence. We believe that this practice is an unjust discrimination against sailing vessels and is a burdensome tax upon the shipping industry and the lumber industry, which is one of the largest in this section, and also upon every industry in any manner dependent upon the shipping trade. We are very desirous indeed that this bill shall receive favorable action at this session of Congress, and if you can consistently facilitate the consideration of this measure your action will be known to and heartily approved not only by every lumberman in this district, but by the general public as well.

Respectfully,

JOHN R. WALKER,
Secretary.

RESOLUTION.

At a meeting of the North Carolina Pine Association (Incorporated), held in Norfolk, Va., February 9, 1905, the following preamble and resolution was unanimously adopted:

"Whereas there is now pending in Congress a bill known as the 'Littlefield bill,' removing the discrimination against coastwise sailing vessels practiced at ports south of the Virginia capes in the form of compulsory pilotage charges; and

"Whereas the manufacturers of pine lumber in the States of Virginia, North Carolina, and South Carolina, represented by this association, ship annually by water approximately 500,000,000 feet of lumber almost exclusively in sailing vessels, which, without exception, must pay this pilotage—although very few of them use the pilots—entailing, therefore, a very great unnecessary expense, both upon the shipper and the consumer of our lumber; and

"Whereas we believe that the passage of this bill will very materially advance not only the interests of the great industry which we represent, but that of every other industry in this section and of our coastwise shipping trade particularly: Therefore be it

"Resolved, That this association heartily approves and recommends the passage of the said bill; and be it

"Further resolved, That the secretary of this association be instructed to present a copy of this resolution to the several Representatives in Congress from Virginia and the Carolinas, respectfully urging a careful consideration of the injustice of the existing system and the benefits to be derived from its abolishment by this measure, and urging, if consistent, their earnest support of the aforementioned bill.

"THE NORTH CAROLINA PINE ASSOCIATION (INCORPORATED)."

Removal of compulsory pilotage helps and does not hinder commerce.

The following letter of the Waccamaw Land and Lumber Company and the resolutions of the Wilmington Chamber of Commerce, unanimously adopted February 5, 1906, are the most conclusive answers possible to the only argument having any force against this bill, i. e., that the navigation of a port would suffer if compulsory pilotage on coastwise sail vessels were removed:

WILMINGTON, N. C., February 2, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: Being lumber manufacturers at this port and building another large mill on the Cape Fear River, together with owning about 200,000 acres of timber and other lands in this vicinity, we are much interested and have been closely watching the reports of hearings on H. R. 5281, introduced by Mr. LITTLEFIELD, of Maine, entitled "A bill to remove discrimination against American sailing vessels in the coasting trade," and owing to our hard fight that we had with the pilots at this port we sympathize with out southern merchants who desire this bill to pass but who are not strong enough to make a winning fight against the powerful organization of the pilots, who retain representatives at the capitols wherever the bill is introduced.

The main argument put forth by the pilots here last year was that they could not keep up the "system" if the coastwise pilotage was removed. This port, through the legislature of our State, not only secured the abolition of compulsory pilotage in the coastwise trade but went further and abolished it in the foreign trade, thereby relieving us of a heavy tax on our imports and exports. We believe compulsory pilotage is a tax on commerce that long ago should have been abolished, and it is the earnest hope of all merchants in this locality that the Littlefield bill will become a law and permit the merchants of Wilmington to send vessels to and receive them from southern ports without compelling them to pay tribute to a "system" no longer necessary by reason of the large expenditure of money made by our Government to deepen and widen our channels and harbors.

Compulsory pilotage has been abolished at this port for nearly a year, and during that time not one accident to shipping has occurred that could be charged up against the benefits derived from making this a free port. This should be sufficient reason why the Littlefield bill should be enacted and become a law.

The feeling of our people was expressed at a banquet given here on the 31st ultimo by the chamber of commerce. The president, who acted as toastmaster, asked our Congressman and Senator, who were present, to support the bill, and requested that all rise to the toast, "The only free port south of Maine."

A year ago we had about forty pilots employed, who did service at their pleasure; now we have six or eight who make a business of it.

Hoping that the bill will receive favorable consideration and be enacted and become a law, we remain,

Yours, truly,

WACCAMAW LAND AND LUMBER COMPANY,
C. E. CLARK, Treasurer.

RESOLUTIONS OF THE CHAMBER OF COMMERCE OF WILMINGTON, N. C.

"Whereas there is now before Congress H. R. 5281, entitled 'A bill to remove discrimination against American sailing vessels in the coastwise trade;' and

"Whereas the State of North Carolina abolished compulsory pilotage at this port March, 1905, and by so doing relieved us of a heavy burden upon our imports and exports, and without increasing the danger to shipping; and

"Whereas we believe compulsory pilotage is a tax on commerce between the States that ought not to exist and the abolition of compulsory pilotage at this port has proven greatly beneficial to our interests and has in no way interfered with the safety of vessels entering and leaving this port: Therefore be it

"Resolved, That the Chamber of Commerce of Wilmington, N. C., recognizing the importance of cheap transportation and unhampered intercourse between the different sections of the United States, warmly commend the bill and express the earnest hope that the measure will receive the support of our Representatives in Congress.

"And be it further resolved, That a copy of these resolutions be sent to Hon. GILBERT B. PATTERSON and the other Representatives from this State, and also to Hon. CHARLES H. GROSVENOR, chairman of Merchant Marine and Fisheries Committee."

What this "tax on commerce" between the States amounts to in fees was stated by Mr. Plummer, in his circular letter to the committee (p. 49), as one-quarter of a million dollars per year, and by Mr. Pendleton, at the hearing on the bill, as having amounted in the last thirty-five years to more than the entire value of the present fleet of coastwise sailing vessels, neither of which statements has been refuted or questioned by the pilots before the committee, and this money is all in addition to the large amounts in fees which they collect under the general system of compulsory pilotage from vessels engaged in the foreign trade, which amounts swell the income of these pilots in the Southern States to sums ranging, as has been estimated, from \$2,000 to \$10,000 each per year. And in connection with the fact of such high compensation it is important to note that the "system" there has been so peculiarly developed that the pilots work but at intervals, many of them seeing actual service but one-third or one-fourth of the time.

The crushing character of these pilot charges was illustrated by many cases, and that of the schooner *S. M. Bird* is here presented as one illustration.

NEW YORK, January 17, 1906.

HON. CHAS. E. LITTLEFIELD,

Washington, D. C.

MY DEAR SIR: On Friday last I stated before the Merchant Marine and Fisheries Committee that the Plant system paid about \$100 per month for pilotage going in and coming out of Key West on their steamship line running in the foreign trade, approximately \$3.50 per day, equivalent to \$1.75 for inward pilotage and \$1.75 for outward. As this statement was somewhat challenged by Captain O'Brien, although he admitted they had a reduction from the regular rates, but said he did not know to what extent, I decided to seek further information to corroborate my statement, and had Messrs. N. A. Benner & Co., a large concern of this city, wire their different agents at Key West as follows:

W. J. H. TAYLOR, Key West, Fla.:

Please wire, collect, if Plant's Line steamers coming from Habana and going to Habana, in and out Key West, takes pilots, and the amount of pilotage they pay. Do you know of any special arrangements they have? Wire fully.

N. A. BENNER & CO.

From whom the following reply came:

"Plant Line steamers do not take pilots either coming or going to Habana from Key West. Pilots have a special agreement with manager of P. & O. Steamship Company for thirteen hundred dollars per year, covering all their ships for pilotage.

"W. J. H. TAYLOR."

The following telegram was sent to W. D. Cash:

W. D. CASH, Key West, Fla.:

Please wire, collect, if Plant's Line steamers coming from Habana and going to Habana, in and out Key West, takes pilots, and the amount of pilotage they pay. Do you know of any special arrangements they have? Wire fully.

N. A. BENNER & CO.

From whom the following replies were received:

"Plant Line steamers from Key West to Habana, Habana to Key West, pay special rate pilotage thirteen hundred dollars year."

"W. D. CASH."

"Plant Line do not take pilots, but pay special rate mentioned."

"W. D. CASH."

I herewith inclose copies of the original telegrams sent and the replies received, which I desire that you file with the committee.

I inclose herewith the bill for pilotage of our schooner *S. M. Bird*, that was at Key West last October. Her pilotage in and out was \$130. The value of the *Bird* and cargo was approximately \$10,000 to \$11,000. The value of the Plant steamer is approximately \$500,000. My sailing vessel, going from an American port to an American port, was compelled to pay \$130 for one trip, and the steamer valued at \$500,000, engaged in the foreign trade, was compelled to pay for one trip less than \$4.

I desire to further illustrate the excessive charges for pilotage by the following statement, showing the amount the American schooner

S. M. Bird paid for pilotage from September, 1905, to November, 1905, viz:

September 21, 1905, at Savannah, Ga.	\$114.23
October, at Key West, Fla.	130.00
October 28, at Port Tampa, Fla.	87.75
November, at Gulfport, Miss.	128.00

Making a total of \$459.98. The *Bird's* pilotage charges in the foreign port of Habana were \$32, as against \$114.23 at Savannah, \$130 at Key West, \$87.75 at Port Tampa, and \$128 at Gulfport.

During the time she was paying these pilots \$459.98 the total amount of her earnings left for her owners was less than \$350.

I also hand you bills on the schooner *Harold C. Beecher*, on a voyage from Pascagoula to Kingston, Jamaica, showing that the pilotage at Pascagoula was \$96, and at Kingston, Jamaica, was \$6 9s., equivalent to about \$30. This vessel delivered 282,145 feet of lumber.

Gulfport.—Captain O'Brien has filed a telegram with the committee relating to the Gulfport pilotage, and so I herewith inclose you three pilotage bills on the *Gertrude A. Bartlett*, the first one receipted by John Lewis, treasurer, the bill reading: "Pilotage, as per agreement, \$40."

If more data is required, I shall be pleased to furnish.

Very respectfully, yours,

FIELDS S. PENDLETON.

The evidence before the committee showed the abuses incident to the existing system and the gross discriminations against the coastwise sailing fleet practiced thereunder.

"Mr. PENDLETON. Now, I want to give you some facts which will show you that we have been up against this proposition for the last thirty-five years. Take a Clyde steamer that leaves New York and goes down to Charleston, then goes to Fernandina and Jacksonville and comes back to Fernandina and loads in Charleston and goes to New York. If my vessel does that, when she gets back she has paid between \$500 and \$600 pilotage. That is the discrimination. How can we go up against that?"

"Mr. WATSON. Five hundred dollars or \$600 for pilotage?"

"Mr. PENDLETON. Yes, sir; and that when we did not require a pilot and did not desire one. * * * Let us take the Mallory Steamship Line that runs from New York to Brunswick and to Key West and Mobile and goes back to Key West and comes to Brunswick and then to New York. If my vessel was to go there and take a cargo in competition with them over that same line, it would cost me for pilotage over \$800, carrying the same amount of cargo. * * *

"Mr. WILSON. Do you know of any case where a man has had the advantage of going into these ports without paying pilotage?"

"Mr. PENDLETON. Without paying pilotage at all?"

"Mr. WILSON. Yes; or a much smaller amount."

"Mr. PENDLETON. I showed you a case yesterday. I could give you twenty-five cases now from memory. I can give you six or seven cases which were furnished me by the pilots themselves at this one port. * * *

"Take the Ocean Steamship Company of Savannah, that runs in and out of Savannah from New York and goes from Savannah to Boston and New York. If my vessels ran on that route, it would cost me \$150 a day, \$50,000 a year, and the steamers carried 95,000,000 feet of lumber from Savannah last year. It is practically the same amount as the sailing vessels carried, and to New York they carry a great deal more, because to New York they have regular steamship lines. * * *

"Mr. HINSHAW. If this bill should pass, would a pilot still be required on the tug?"

"Mr. PENDLETON. No, sir; the Government licenses them. The tugboat owner, of course, selects competent men, first-class men, because if they tow a vessel and get her aground they are liable for the damage they do."

"Now, gentlemen of this committee, if this is not discrimination against us, what is it? Congress took the pilotage off the steamers thirty-five years ago, and the sailing vessel has been compulsorily employing them ever since, to the extent that we have paid more in pilotage in that time than the entire fleet is worth to-day."

"Mr. HINSHAW. The steamers have no tugs?"

"Mr. PENDLETON. No, sir; but the sailing vessels do, and consequently in going in and out of the southern ports it makes a double burden on us. We not only have to leave that money in the South, but we have to leave the pilotage there, although the services are not desired and are not required. * * *

"Here is another case at Gulfport. I went down there. I had paid them \$128 pilotage, and I found another vessel there that was owned down South that was coming in and going out and was paying \$40. Then there was the *Mary E. Morse* that came to Gulfport. She paid \$140 or \$150, and I found a British schooner, the schooner *Lillie*, going in and out of there, paying only \$46."

"Mr. HINSHAW. Approximately the same tonnage?"

"Mr. PENDLETON. The *Morse* is a little larger, but the draft is approximately the same."

"Mr. FORDNEY. What is the difference in the capacity of the two?"

"Mr. PENDLETON. The *Morse* will carry 440,000 feet of lumber, and the other one was about 350,000. * * *

"Mr. FORDNEY. As between the vessel which paid \$150 pilotage and the one that paid \$40?"

"Mr. PENDLETON. That was two other vessels. Theirs was the *Gertrude Bartlett* and mine was the *S. M. Bird*. Mine paid \$128 as against their \$40. The *Bartlett* carried 28,000 feet of lumber more than mine. The *Morse* paid \$140, and the other vessel paid \$46. Mine was an American vessel going from an American port to an American port and the other was a British vessel coming from a British port."

"Captain O'BRIEN. How do you know that was a British vessel?"

"Mr. PENDLETON. She hailed from Nova Scotia. They can not be owned in the United States, except against the law."

"Mr. HINSHAW. Was that an arbitrary discrimination?"

"Mr. PENDLETON. It is a discrimination they are making down there. We are not only obliged in this section to meet the competition of the steamers, but we have to meet the competition of both British and other foreign sailing vessels getting in and out southern ports at about one-fourth of what we pay."

"Mr. WACHTER. Did you make any investigation as to the reason why they charged you so much more than the British vessel?"

"Mr. PENDLETON. I am not giving you this secondhand; I got it right from the pilots themselves."

"Mr. LITTLEFIELD. What reason did they give?"

"Mr. PENDLETON. They did not give any. I offered to pay them \$75 if they would take the vessel out, but they would not, and they libeled the vessel and the case is in the courts down there. The tugboat people said it was against the law to interfere with the pilotage business, and so I was compelled to put up \$250 in cash, and they have my money."

"Mr. PATTERSON. Who was that pilot?"

"Mr. PENDLETON. M. H. Scarborough, and ten others told me the same thing.

"Mr. LITTLEFIELD. That is the usual thing?

"Mr. PENDLETON. Yes, sir; L. N. Dantzler & Co. have seven or eight vessels, and they all do the same thing.

"Mr. PATTERSON. How many pilots are there at that port?

"Mr. PENDLETON. Twelve. Is there a pilot here from Gulfport? I was told by Capt. J. W. Shute, of the British schooner *Blomidon*, that he paid \$44 in and out.

"Mr. HUMPHREYS. Do the pilots regulate this themselves?

"Mr. PENDLETON. No, sir.

"Captain O'BRIEN. They have nothing to do with it.

"Mr. HUMPHREY. Who does?

"Captain O'BRIEN. The pilot commissioner.

"Mr. PENDLETON. The pilot commissioner at this place, Mr. Hewes, told me it was an outrage and that he had never known anything about it until I came there a few days ago.

"I noticed in the statement of the *Fred W. Ayer* pilotage, \$40, coming from Cuba or the West Indies or Colon, and so I sent for the vouchers and I found that we were paying \$125 and \$150 where the *Ayer* was paying \$40. You say they are regular traders. There is not a man in the South nor the whole combine there who has had so many vessels south, taking them all together, as I have during the last ten years.

"Mr. HINSHAW. You must be a Yankee.

"Mr. PENDLETON. Yes, sir.

"Mr. LITTLEFIELD. Do you have any regular trade?

"Mr. PENDLETON. Yes, sir.

"I say that when your money or property is taken away from you without your consent and without rendering any service, it is robbery; yes, worse than robbery, because we are compelled to pay for a service that is never desired and not required.

"Mr. WATSON. Do any of your vessels ever require pilots in or out?

"Mr. PENDLETON. No, sir. I was going to come to that. I want to discuss this proposition further and have a little more time.

"Captain O'BRIEN. We all want more time.

"Mr. FORDNEY. I want to say, for the benefit of the gentlemen present, that some time ago I had made up my mind to vote for this measure. I then changed my mind and decided that I would vote against the measure, and I made the statement to some gentlemen here that I would vote against this measure, but after hearing Mr. Pendleton's statement about this discrimination, unless they can satisfy me that the statement is incorrect, can give me some substantial evidence that the statement is incorrect, I must support this bill."

"Mr. LITTLEFIELD. Is there any special arrangement at Key West with the Plant System, a foreign line?

"Captain O'BRIEN. I think there is.

"Mr. LITTLEFIELD. What reduction does that foreign line get?

"Captain O'BRIEN. I do not know.

"Mr. LITTLEFIELD. Did you not make the contract?

"Captain O'BRIEN. I made one contract, but they broke it.

"Mr. LITTLEFIELD. Under the arrangement that you made, how much reduction was the foreign line getting?

"Captain O'BRIEN. That is not a foreign line. It is owned by Mr. H. M. Flagler and other gentlemen who are not any more foreigners than the State of Maine people are.

"Mr. LITTLEFIELD. She sails foreign. What arrangement did you make with them?

"Captain O'BRIEN. I think we made it a fractional part of the pilotage.

"Mr. LITTLEFIELD. What fractional part?

"Captain O'BRIEN. I think it was one-half or three-fourths pilotage, but it did not last over a month. They broke that arrangement. I am not positive what the details were.

"Mr. LITTLEFIELD. You made it?

"Captain O'BRIEN. Yes, sir.

"Mr. LITTLEFIELD. Did they refuse to pay it?

"Captain O'BRIEN. I was not president of the National Pilots' Association at that time. They probably found that it was not within the law and that the law would not permit it.

"Mr. WILSON. Then what occurred?

"Captain O'BRIEN. They made another arrangement by which the Plant ships would carry the pilots up and down and to give them service, and that permitted the pilots to have only one pilot boat, when probably two would be required.

"Mr. LITTLEFIELD. It was a great deal cheaper system for the Plant System than for the coastwise line; in other words, it was a discrimination in their favor?

"Captain O'BRIEN. I do not know, when you take into consideration the service they give the pilots, because it would have cost the pilots so much more to keep up a pilot boat."

These bills show the discriminations.

GULFPORT, SHIP ISLAND HARBOR, MISS.,

February 8, 1904.

Captain and owners schooner *G. A. Bartlett*, to Ship Island Pilots' Association, Dr.

As per agreement..... \$40

Total..... 40

JOS. LEWIS, Treasurer.

GULFPORT, MISS., February 4, 1905.

Captain and owners *G. A. Bartlett*, to Ship Island Pilots' Association, Dr.

Pilotage, forty dollars.

Total..... \$40.00

F. D. MORAN, Pilot.

The following receipted bills of schooner *Gertrude Bartlett* prove that at Mobile they allow favored vessels to go in and out for one pilotage, or one-half of the regular charge:

MOBILE, ALA., April 27, 1904.

Schooner *Gertrude Bartlett* and owners, to pilot boats *Ida Lovee* and *Louise F. Harper* and owners, Dr.

For outward pilotage over lower bar, 13 feet, at \$3.50 per foot..... \$45.50

For bay pilotage from city to lower bar, 13 feet, at \$0.50 per

foot..... 6.50

52.00

Received payment.

W. C. CARRELL, Agent,

Per W. H. DWYER.

XLI—10

MOBILE, ALA., July 13, 1904.

Schooner *Gertrude A. Bartlett* and owners, to pilot boats *Louise F. Harper* and *Moses H. Grinnell* and owners, Dr.

For outward pilotage over lower bar, 14 feet, at \$3.50 per foot..... \$49.00

Total..... 49.00

Received payment.

W. C. CARRELL,

Per P. B. DIXON, Jr.

MOBILE, ALA., September 15, 1905.

Schooner *G. A. Bartlett* and owners, to pilot boats *Louise F. Harper* and *Moses H. Grinnell* and owners, Dr.

For outward pilotage over lower bar, 13 feet, at \$3.50 per foot..... \$45.50

For bay pilotage from city to lower bar, 13 feet, at \$0.50 per

foot..... 6.50

52.00

Received payment.

W. C. CARRELL, Agent.

Per W. H. DWYER.

MOBILE, ALA., December 7, 1904.

Schooner *Gertrude A. Bartlett* and owners, to pilot boats *Louise F. Harper* and *Moses H. Grinnell* and owners, Dr.

For outward pilotage over lower bar, 13 feet, at \$3.50 per foot..... \$45.50

For bay pilotage from city to lower bar, 13 feet, at \$0.50 per

foot..... 6.50

52.00

Received payment.

W. C. CARRELL, Agent.

Per R. W. C.

Not only is this discrimination almost continually practiced under this system of the pilots, but in South Carolina at least the law itself discriminates against the coastwise fleets sailing between their ports and ports outside of the State; only expressly excepting in the following language all domestic commerce from the exaction of pilotage: "All coasters and other vessels trading between any ports within this State excepted." (Code of Laws of South Carolina, 1902, sec. 1633.)

We have been handed a letter from Captain Wells to Mr. Pendleton, which shows what not infrequently happens under the existing system:

NEW YORK, January 24, 1906.

MR. FIELDS S. PENDLETON.

DEAR SIR: Knowing that you are deeply interested in reference to a bill now before the committee on "compulsory pilotage" against sailing vessels, I would like to recite to you a personal experience I had in conjunction with a Captain Kelly, of the British steamship *Langdale*.

My vessel, the American schooner *Arthur C. Wade*, was chartered to load a cargo of lumber at Chehaw River, South Carolina, for New York. As I have previously loaded several cargoes at Chehaw River, I am naturally well acquainted in entering the port of Chehaw.

Upon my last voyage there I arrived at the St. Helena bar December 24, 1905, 2 p. m., and found the British steamship *Langdale* anchored at the bar. The captain of the *Langdale* communicated with me and informed me that he had been there since December 23, 4.30 p. m., and had been flying pilot flags, and during the night burning pilot signals. I also had my pilot flag flying, but no pilot responded to our signals.

The captain of the steamer *Langdale* asked me if I was familiar with the port, and, as I was, he asked my assistance in getting his steamer into port, as he had been there since December 23, 4.30 p. m. As he had been there so long, and as I had been there several hours and no pilots in sight, the captain of the steamer said he would tow my vessel into the harbor with my assistance, he assuming all responsibility. I gave him my charts of the harbor and he proceeded with my vessel in tow. The pilots never arrived at the bar until Wednesday, December 27, 1905, postmeridian.

When Captain Kelly, of the steamer *Langdale*, went to clear at the custom-house at Beaufort he was arrested, and I was also placed under arrest, the charge being that we should not have taken our vessels into port without pilots. The captain of the *Langdale*, as well as myself, have made sworn statements before a magistrate at Charleston, S. C. We were released for the time being under bail.

Under the circumstances which I have stated, is it fair that our arrests were made and that we should be placed under penalties? Surely we waited and gave sufficient time for pilots to board our vessels. Were we to wait there for some indefinite time and place our vessels and lives in danger of a storm coming up? Is it fair that vessels remain outside of the harbor waiting for pilots from four to five days and then not have a pilot come on board?

I will gladly procure for you or the committee a copy of our sworn statement made at Charleston, S. C., before the magistrate, which furnishes a full detail account of the incident.

I remain yours, truly,

E. E. WALLS,

Schooner *Arthur C. Wade*.

The following is in the same line:

THE EDITOR OF THE HERALD:

Will you kindly publish in your valuable paper the facts in regard to pilotage at Port Royal? I arrived off the bar on the 5th instant at half past 7 a. m., wind northeast, strong breeze, heavy sea on, and current running strong to the southwest. Seeing no pilots, I came in and hauled into the wharf.

Two hours afterwards a pilot came and demanded pilotage on the ground that he was on board of the Martins Industry light-ship, 3 miles to leeward of the bar. Other pilots asserted that they were out in their boat and would have reached us in an hour.

I refused to pay and was arrested, haled to court, and fined \$100 because I had not complied with the law by waiting ten hours outside with a pilot flag flying before coming in. To stop further proceedings I paid the \$31 pilotage claims and the costs of court, and the fine was remitted.

Shipmasters coming to Port Royal should know that they must wait outside, no matter what the weather conditions are, ten hours before they can come in, under penalty of fines or imprisonment.

R. O. PARKER,

Master Schooner *Viator*, of Boston.

PORT ROYAL, S. C., April 6, 1904.

The foregoing clearly shows that the system is not only "unwise," but that gross abuses are practically inevitable under it.

The Supreme Court of the United States has recently held (195 U. S., 345) that if the present system is "unwise" that "the remedy is in Congress, in whom the ultimate authority on the subject is vested, and can not be judicially afforded by denying the power of the State to exercise its authority over a subject concerning which it has plenary power until Congress has seen fit to act in the premises."

The fact that barges, steam towed, and which neither pilots nor anyone else can navigate without their towboats, are, nevertheless, taxed by these pilots for no possible service rendered is shown by the following letter:

BALTIMORE, January 19, 1906.

Hon. C. E. LITTLEFIELD,

House of Representatives, Washington, D. C.

DEAR SIR: We take the liberty of suggesting that we think your efforts to suppress the compulsory pilot charges should have the recognition and support of all those who have been imposed on for years.

We have a line of barges entirely dependent on tugboats for movement trading from James River points to New York, and notwithstanding the tugs have Government pilots aboard we are compelled to pay the Virginia Pilots' Association, a body which we understand is not even incorporated, a yearly fee of 10 cents per ton for the privilege of going and coming through the Capes.

We are writing our Representatives, Messrs. TALBOTT, WACHTER, and MUD, urging them to stand by you, and hope before long to see the end of this odious custom, which, in our case particularly, is nothing more than a "hold up." The pilots render us no service whatever.

Respectfully, yours,

THE P. DOUGHERTY COMPANY,
THOMAS F. McILUGH.

That this instance is but one of many is shown by the letter from the American Towage and Lightering Company, as above printed.

Hon. V. H. METCALF, Secretary of Commerce and Labor, strongly indorses this bill.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, January 3, 1906.

Hon. WILLIAM P. FRYE,

Chairman Committee on Commerce, United States Senate.

SIR: In reply to your letter of the 8th ultimo, inclosing S. 30, Fifty-ninth Congress, first session, "A bill to remove discriminations against American sailing vessels in the coasting trade," and requesting me to furnish your committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage, I have to state:

The passage of the bill has been recommended in the last eleven reports of the Commissioner of Navigation. (Reports for 1895, pp. 45-47; 1896, pp. 31-32; 1897, pp. 45-46; 1898, p. 62; 1899, p. 89; 1900, p. 60; 1901, p. 65; 1902, p. 64; 1903, p. 46; 1904, p. 45, and 1905, pp. 18-19.)

Without taking up in detail the arguments set forth in these reports, I have the honor to submit briefly the following reasons why I deem the passage of the bill desirable:

By the act of February 28, 1871, Congress provided that steam vessels in the coasting trade, when in charge of a pilot licensed by the Steamboat-Inspection Service, should be exempt from pilotage charges imposed by State or local authority. Sail vessels in the coasting trade, however, remain subject to such charges, which in many instances are very heavy, and, in fact, such charges are imposed in the States of Virginia, North and South Carolina, Georgia, Florida, Mississippi, and Texas. Most States, however, have abolished this discrimination against sailing vessels. But the discrimination was created by Congress, and the relief should naturally come through an act of Congress.

The bill provides that to obtain the advantages of exemption from pilotage charges in the coasting trade the master or mate of a sailing vessel acting as pilot must be licensed by Federal authority in the same manner as similar officers on steam vessels are licensed. This requirement is in itself an aid to safe navigation.

While the natural development of marine architecture favors the increase of steam vessels and the decrease of sail vessels, the combined effect of the act of Congress and of the laws of certain States named hastens the decline of sail vessels, which furnish the officers required for steamers. The following table shows the tonnage of seagoing American steamers and seagoing American vessels, rigged with sails, on June 30, 1904, and June 30, 1894:

	1905.	1894.
Steam.....	1,242,611	647,024
Square rigged.....	355,237	595,714
Schooners.....	764,876	771,314
Rigged barges.....	247,707	62,821
Total sail.....	1,367,820	1,429,849
Total sail and steam.....	2,610,431	2,076,873

While seagoing American steam tonnage has practically doubled in ten years, seagoing American tonnage under sails has remained virtually stationary.

Congress has spent in recent years many millions of dollars in harbor improvements, which should have lessened the need of pilots and made navigation easier.

All tonnage entering and clearing the United States, in foreign trade, is subject to pilotage charges. Such tonnage has increased from 40,261,353 tons in 1894 to 59,967,985 tons in 1904. This increase of nearly 50 per cent in ten years should suffice, under all the conditions, to maintain the pilotage system at its full efficiency.

I have the honor to submit that the passage of S. 30 will be the most effective measure of any now before Congress for the maintenance of the American seagoing fleet under sail, and relieve it from a discrimination which each year grows more onerous.

Respectfully,

V. H. METCALF, Secretary.

If it were necessary to maintain this system of compulsory pilotage in these southern ports as a public service (and the experience of ports without it certainly indicates that it is not), it is manifestly an unjust and indefensible discrimination to put the burden of support-

ing such a public service upon the weaker and individually owned part of our interstate carriers, the sailing vessels, and exempt their powerful competitors, the steamers; and the absolute absurdity of present regulations, especially as bearing upon safety to life and property, is shown by the fact that under present laws a captain, holding both a steamship and sailing vessel's United States license, may to-day take into a southern port a steamer drawing 20 feet of water and carrying passengers, without taking a pilot or being required to pay for one; while to-morrow, if he enters that same port with a sailing vessel drawing but half as much water, carrying no passengers, and being towed by a local steamboat whose master is an expert navigator in those waters, he must take and pay for a pilot whom he can not use, or pay for one, even if he does not bother to stop and take him on board, provided he is spoken by the pilot.

Free trade between the States is a fundamental principle of this Government. Any unnecessary tax upon it is a burden from which the public suffers and should not be allowed to continue, even though the revenue derived therefrom went to a State or municipality instead of to about 130 private individuals, as in this case.

The pilotage affected by this bill is, as a rule, in the control of a few favored men in each port, who, under the laws now existing there, retain the business to the exclusion of those who otherwise might compete and thus reduce the present high charges—charges which the evidence (p. 19) shows to be some five times as high as in ports not so controlled.

INSURANCE COMPANIES FAVOR IT.

How the insurance companies who take so large a part of the risks on cargoes and vessels affected by this bill, and who have no possible interest except to reduce the losses for which they must pay, view this measure is shown below:

BOSTON INSURANCE COMPANY,
Boston, January 9, 1906.

CHARLES H. GROSVENOR, Esq.,

Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: House bill No. 5281, introduced in the House of Representatives by Representative LITTLEFIELD, of Maine, entitled "A bill to remove discrimination against American sailing vessels in the coasting trade," has been called to our attention.

As a considerable portion of our business is the insuring of American sailing vessels and their cargoes in the coastwise trade, we believe that the abolishment of compulsory pilotage on vessels, as covered by this bill, will be of no injury to life or property, and we hope that the bill will pass.

Yours, truly,

R. B. FULLER, President.

OFFICE OF THE CHINA MUTUAL INSURANCE COMPANY,
Boston, January 5, 1906.

CHARLES H. GROSVENOR, Esq.,

Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: We are pleased to express our approval of House bill No. 5281, introduced in the House of Representatives by Representative LITTLEFIELD, of Maine, "A bill to remove discrimination against American sailing vessels in the coasting trade." We understand that pilotage on our coastwise sailing fleet is not now compulsory in many of the States, and can be and is evaded in others by vessels taking out yearly licenses. We are inclined to think that a vessel making or leaving port in tow to be as safe, if not safer, without a local pilot, and, in fact, believe that the abolishment of compulsory pilotage on vessels covered by this bill will be a good thing for the safety of life and property. Remaining,

Yours, very truly,

EDMUND A. POOLE,
President.

OFFICE OF FIELD & COWLES,
Boston, January 5, 1906.

CHARLES H. GROSVENOR, Esq.,

Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: We take pleasure in expressing our approval of House bill No. 5281, introduced in the House of Representatives by Representative LITTLEFIELD, of Maine, entitled, "A bill to remove discrimination against American sailing vessels in the coasting trade."

Pilotage on our coastwise sailing fleet is not now compulsory in many of our States, and can be and is evaded in others by vessels taking out a yearly license. We believe a vessel making or leaving port in tow to be as safe, if not safer, without a local pilot, and, in fact, fully believe that the complete abolishment of compulsory pilotage on vessels covered by this bill will at least work no harm to the safety of life or property.

Yours, very truly,

FIELD & COWLES,
Agents.

PROVIDENCE WASHINGTON INSURANCE COMPANY,
Providence, R. I., January 10, 1906.

Hon. CHARLES H. GROSVENOR,

Chairman Merchant Marine and Fisheries Committee,
Washington, D. C.

DEAR SIR: As an insurer of American hulls and cargoes between coast ports, we desire to express our opinion that the abolition of the compulsory pilotage law, in its application to this class of business, is a wise measure, and we hope that it will be done. We believe that it will not increase the loss of life or property.

Yours, truly,

J. B. BRANCH, President.

And it is specially significant that every insurance company which has expressed an opinion on this bill has been unqualifiedly in favor of the measure. Such protests as have been made by underwriters or marine insurance companies appear to relate to legislation of an entirely different character.

Some of the reasons why these people who understand the situation should hold such views and why life will be safer under this proposed law is shown by the following extract from the argument of Mr. Pendleton before the committee (p. 20):

"Now I come to a point of far more importance, the saving of human lives and property. Let me illustrate what I mean. Take a vessel that leaves Jacksonville, Fla. She comes out of Jacksonville and the barometer begins to fall, which means that a gale of wind is coming on. What does the captain do? Go into Fernandina, Brunswick, Savannah, Darien, Charleston, Port Royal, along the coast there, all harbors a few miles apart? No; he reefs down and goes off the shore. If the gale is severe and the vessel springs a leak, the crew become exhausted, and possibly the vessel is abandoned and the crew may be lost. What would he do in northern waters? When the gale comes on he will go into port and wait until the gale is over. I challenge a successful contradiction of the statement that one-half of the losses south of Cape Hatteras are caused by the master not having the right to go into a harbor the same as he does on the North Atlantic coast. Why, gentlemen, suppose we had a compulsory pilotage system in ports north of Cape Henry. What would you think of charging a vessel going into the harbors of Philadelphia, New York, Bridgeport, New Haven, New London, Fall River, Providence, New Bedford, Boston, Cape Ann, and Portland—and the 386 miles of Maine seacoast? If every vessel that went into that trade had to pay every time she anchored on the same basis as the pilotage in the Southern States, it would amount to more than the entire fleet is worth in one year. Mr. Chairman, if there is any part of this hemisphere that needs skillful navigation and where the master must have both courage and caution it is "rounding" Cape Cod in the months of January and February, heading into Boston Bay, facing a northwester blowing from the White Mountains 60 miles an hour."

That an appropriate remedy for this unjust pilotage system lies in Congress is not only stated by the court, but the power has already been exercised by Congress for the relief of one-half of the coastwise fleet. That one man should be taxed to maintain a "system" while his neighbor and competitor goes free is self-evident discrimination and is in no way relieved by any training or readiness for quarantine assistance. In fact, all of the suggestions about aid in the quarantine service applies almost wholly to foreign-going vessels. The fact that vessels plying in the foreign trade can and do compromise with the pilots regardless of the apparent State law; that by some secret arrangement pilots regularly make rebates to a foreign vessel while charging an American vessel of the same size more than three times as much as they charge the foreign craft, and that where compulsory pilotage does not exist, as on the Great Lakes, the business is most prosperous and cheap transportation secured to the people, all militates against this system. It is not surprising that the construction of vessels subject to this southern pilot tax has been steadily decreasing and has now nearly ceased. This is shown by the following newspaper extract:

THE YEAR'S RECORD—NOT ONE TO WHICH BATH CAN POINT WITH PRIDE.

The year 1905 was a most unfortunate one for Bath shipyards so far as the amount of tonnage built and launched is concerned, thereby making the year appear small in comparison with many previous years. There were but eight vessels built, all schooners, and their aggregate tonnage was 8,454, divided among the following vessels:

	Tonnage.
Alice May Davenport	1,144
Evelyn W. Hinkley	698
Orleans	758
Camilla May Page	688
Frances Hyde	739
Herbert D. Maxwell	772
Davis Palmer	2,965
Robert P. Murphy	697

The comparison in the amount of tonnage with previous years is as follows:

	Tons.
1905, 8 vessels	8,454
1904, 26 vessels	26,683
1903, 23 vessels	25,149
1902, 26 vessels	31,662
1901, 28 vessels	33,563
1900, 35 vessels	41,532

As a result of this cessation of building there are at least 1,500 ship carpenters in Bath alone that are now deprived of their usual employment.

The claim made by Captain O'Brien that vessels were earning large percentages on their cost and that Maine had practically a monopoly of this business, while not germane to the question, is entirely incorrect, and the statement of Mr. Pendleton made before the committee is proven by the illustrations here given:

Schooner *Ellen Little*, launched at Rockland, Me., in September, 1904, cost, \$56,000; dividends first year as follows: December, 1904, dividend \$601.12; April 10, 1905, \$1,600; June 9, 1905, \$896; August 1, 1905, \$1,280; October 1, 1905, \$1,120, making a total of gross earnings of \$5,497.12, from which should be deducted the insurance, which, at 8 per cent (the regular rate), amounts to \$4,480, leaving a balance for owners or \$1,017.12 to cover interest and depreciation on an investment of \$56,000, which is less than 2 per cent.

And the showing made by the schooner *Katherine M. Monahan*, launched at Mystic, Conn., October 18, 1904, is similar. Cost, \$45,000; dividend January 10, 1905, \$500; April 7, 1905, \$400; June 13, 1905, \$1,400; August, 1905, \$600; October 20, 1905, \$1,200, making a total of gross earnings for the year of \$4,100, from which deduct the insurance at 8 per cent (the regular rate), leaving \$500 net for owners on an investment of \$45,000 to cover interest and depreciation, or a fraction over 1 per cent.

This statement shows the relation of pilotage to earnings for owners.

Schooner *Winfred A. Foran*. Trip No. 1. June 7 to August 9, 1905.

Stock:	
Stock on 1,255 tons of coal, at 85 cents	\$1,066.75
Stock on 13,780 ties, at 14 cents	1,905.87
By credit from building account	15.81
	2,988.43
Port charges:	
Towage, total for trip	\$429.80
Pilotage, \$285; license, Virginia for year	326.80
Harbor master's fee, Sav.	4.00
Wharfage	30.00
Stevedoring coal, \$401.60; ties, \$478.93	880.53

Running expenses:

Stores	\$214.33
Chandlery and fittings	96.08
Commissions on freight	121.95
Insurance on advances, etc.	14.00
Telegrams and telephone	4.85
Rerating chronometer	2.50
Shipping crew	15.80
Water	13.45
Exchange on draft	2.20
Captain's wages	176.00
Mate's wages	76.00
Cook's wages	79.00
Engineer's wages	64.00
Four seamen's wages	176.00
Agent's commission, 2 per cent	59.46
	\$2,786.75

Dividend to one one-hundredths, \$2	201.68
Balance due vessel	200.00
	1.68

These vessels are owned in small pieces by individuals distributed in many States. In the *Ellen Little* there are over 40 owners, and in the *Katherine M. Monahan* there are 83 owners, nearly every State from Maine to Texas being represented in the above-named vessels.

With a few exceptions this great multiplicity of owners is characteristic of the whole coastwise sail fleet.

How unfounded have been the statements made regarding the necessity for pilots, and the great benefits secured to vessels employing them, is shown by the following from the hearings:

"NO VESSELS LOST FOR LACK OF PILOTS.

"Mr. PENDLETON. Mr. O'Brien said that there were 365 accidents on the coast, and led you to believe that they were all caused by the fact that pilots were not employed, although he was frank enough to state that a great many of them were outside the pilots' jurisdiction. Well, now, he forgot to tell you or to show you any particular case where a vessel had been damaged because there was not a pilot aboard. I challenge him to show one, but if he says to me, 'I challenge you to show where a pilot has damaged a vessel when he was aboard,' I will refer him to a case less than six weeks ago, down in his own neighborhood, within 100 miles of his own port, where the pilot ran the vessel ashore, stove her bottom and keel out, and the owners had to pay damages to an extent of almost half the value of the vessel. I refer to the schooner *James Slater*, at Pascagoula."

That the challenge of Mr. Pendleton to the pilots to name a single instance where a sailing vessel had been damaged because of the lack of a pilot remained unanswered, supports the view of the Wilmington, N. C., Chamber of Commerce, i. e., that when men are compelled to earn their money they make a business of it and better service necessarily results.

That these pilots do possess and actually exercise the right to sell the privilege of navigating United States waters regardless of the competency of the captain in charge of the vessel so licensed, is shown by the following:

"PILOT LICENSE FOR COASTING VESSELS.

"In pursuance of an act of the general assembly of Virginia, entitled 'An act changing the law in relation to pilots,' pilot license is hereby granted for the schooner called the *T. W. Lawson*, burthen 4,914 tons, and trading in the waters of this Commonwealth for one year from the date hereof and no longer, the sum of four hundred and ninety-one dollars and forty cents having been received by me.

"VIRGINIA PILOT ASSOCIATION.

"Given under my hand and seal this 11th day of February, 1905.

"O. E. EDWARDS, Agent,

"Per J. J. D."

The system of compounding for pilots' fees exists in Virginia and Georgia, and reduces the business to one of revenue alone to the pilots, as it licenses the vessels and proceeds upon the theory that the services of the pilots are not in any sense necessary to the vessel. In such cases it is simply an arbitrary tribute which the coastwise sail fleet is compelled to pay without receiving any benefit therefrom.

That is, here is a system under which an officer of one of these pilot associations sends out from his office to the several vessels annual bills for licenses and collects the money, which he then divides up among the pilots there, and no service is rendered to the vessel paying this money, and no investigation is made by the pilot as to the competency of the men in charge of that vessel. The responsibility of the pilot begins and ends with the collection and division of the money taken by them, and if by any chance one of these vessels should require the services of a pilot, she would be compelled to pay him the full fee exactly as if she had not already paid her annual tribute for her license.

And this license is of no use in any other southern port except at the one where issued. Outside of these States the vessel can not compromise, but must pay every time she enters or leaves the harbor.

And these licenses regularly issued by the pilots in the States of Virginia and Georgia demonstrate beyond all question that the vessels need no pilots there—the pilots by these licenses say so themselves.

That even the seeking of a port in distress to secure medical aid for sick seamen does not secure relief from the taxes of these pilots is shown by the recent cases of the *Jennie Hulbert* and *Fortuna*, among others.

The claim of the pilots that the shifting of the southern bars makes it impossible for any but members of their pilots' association to safely navigate those waters seems to be completely answered by the following testimony given by Mr. Pendleton (p. 18 of hearings):

"Mr. PENDLETON. That is the old question. Last year, or two years ago, you will remember that that question came up, and I went over to the Hydrographic Office and I brought over some charts of five years ago and of the present time, and when they brought up the question of showing how the bars had shifted we asked them to show where they had done it in five years. They did not do it. They were not able to do it. If you think that the bars are changing, send over and get the charts which were published a year ago and compare them with those of to-day."

No attempt was made to answer this statement in relation to the charts and bars.

The committee recommends the passage of this bill and briefly summarizes some of the reasons:

I. It removes unjust and oppressive discrimination against coastwise sailing vessels in southern waters.

II. It removes an unnecessary burden from interstate commerce for the benefit of the public.

III. It gives sailing vessels freedom to seek shelter in United States ports in time of need, and thus insures greater safety to life and property.

IV. It permits competent captains to navigate without charge the waters which they now navigate without aid from the pilot and waters which the licenses of the pilot, issued to the vessels regardless of their captains, show that any man can safely sail without assistance.

V. Free coastwise pilotage has proved a distinct success in the ports of Baltimore and Wilmington, as well as in all other ports where it obtains, and a benefit instead of the predicted injury to the safe navigation of those waters, and has not impaired the efficiency of the pilot system as applied to foreign-going vessels.

VI. Because the opponents of this bill admit that compulsory pilotage on coastwise sailing vessels will be done away with whenever their business is sufficiently profitable without it, i. e., the coastwise fleet is now taxed to maintain a system for the benefit of others.

[House Report No. 4090, Fifty-eighth Congress, third session.]

REMOVING DISCRIMINATIONS AGAINST AMERICAN SAILING VESSELS.

January 31, 1905.—Referred to the House Calendar and ordered to be printed.

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, submitted the following report:

[To accompany H. R. 7298.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 7298) entitled "A bill to remove discriminations against American sailing vessels in the coasting trade," having given the same careful consideration, recommend that it do pass.

The discrimination to which sailing vessels in the coasting trade are at present subjected was made by Congress in 1871 when it exempted steam vessels in the coasting trade from the compulsory employment of State pilots whenever such vessels are commanded by a pilot, duly licensed by the United States inspectors of steam vessels as a competent pilot for the waters into and out of which he pilots his vessel, an exemption that is still denied to sailing vessels when in command of duly licensed United States pilots.

Again, a sailing vessel in the coasting trade, when in tow of a tugboat, the latter commanded by pilots duly licensed by the United States inspectors of steam vessels, is required in certain States to employ a State pilot, although the State pilot's services are entirely unnecessary, merely consisting of an order to the helmsman on the sailing vessel to "follow the tug," which, in fact, is the only thing it is possible for the sailing vessel to do when fastened to the tug. In fact, the tug is in charge of and legally responsible for the safety of the vessels being towed.

American sailing vessels in the coasting trade are only subjected to the compulsory employment of State pilots in the Atlantic States south of the capes of Virginia and in the ports of the Gulf States. In all other ports of the Atlantic, in all of the ports of the Pacific, and in the ports of the Great Lakes vessels in the coasting trade, sail and steam, are exempt from the compulsory employment of State pilots.

It can not be made too plain, in order to clear away the misconceptions that have gathered around the efforts that have been made to secure for sailing vessels relief from the discrimination imposed upon them by the act of Congress of 1871, that the bill (H. R. 7298) merely proposes to exempt sailing vessels in the coasting trade from the compulsory employment of State pilots, on condition, however, that competent pilots, so certified by the local inspectors of steam vessels in the several local districts that have been established by Federal enactment, are in command of such sailing vessels, or that they are being towed by tugboats that are in charge of duly licensed United States pilots.

The safety of life and property will be greatly enhanced by the passage of this bill. At the present time, because of the enormously high pilotage charges imposed upon sailing vessels by State pilots in the nine States south of the capes of Virginia, such vessels, when in stress, or in danger, or leaking, seek to remain at sea and face the danger of destruction of life and property rather than attempt to seek shelter in these southern ports, because to do otherwise would be to consume the entire gross earnings of the vessel and tend to bankrupt the owners. Doubtless much property and a great many valuable lives have been sacrificed in attempts made by the masters of sailing vessels on our South Atlantic and Gulf coast to weather storms rather than seek shelter in ports that exact pilotage tolls of an extortionate character for entirely unnecessary services, and in many instances without any services. On the North Atlantic coast, where the dangers to navigation are equally great, the situation is entirely different. Sailing vessels may, and frequently do, seek the shelter of our ports when injured, or in distress, or threatened by severe storms, starting out again when temporary repairs have been made or when the storm has passed, and having been subjected to no compulsory pilotage charges for entering and leaving the ports of shelter.

The great increase in the safety of life and property that will be gained by the passage of this bill will be understood from a careful understanding of the license system in vogue in three of the nine States that still exact pilotage fees from sailing vessels in the coasting trade, and this is very clearly explained in the testimony presented to the committee by Mr. Fields S. Pendleton, a New York sail-vessel owner, who on that subject said:

"Let me first explain the matter of the licenses issued to sail vessels by the State pilot commissioners, pursuant to State laws, in three of the nine Southern States that still impose upon sailing vessels in the coastwise trade the compulsory employment of State pilots. In the State of Virginia these licenses are issued to the vessel for one year, quite regardless of who is in command of the vessel so long as the fee of 10 cents per registered ton is paid. If the license is not obtained, then the vessel is compelled to pay full pilotage fees for every entry into and every departure from a port of Virginia. It must be clear that, the license being issued to the vessel and the vessel then and thereafter during the year being free from the compulsory employment of State pilots, in that State there is no necessity whatever for the employment of State pilots. This refers, of course, to Virginia alone. This is true for the reason, as I have stated, that a vessel using the same channels and sailing through the same waters, but bound for Baltimore or any port in Maryland, or to Washington, is not compelled to pay any State pilotage fee whatever when engaging in the coastwise trade.

"In North Carolina such licenses are issued to the vessel, good only for the port of Wilmington. In this case, also, it does not matter what kind of a man is in command of the sail vessel—so long as the license

fee is paid, the vessel for the balance of the year is exempt from the employment of a State pilot. This must satisfy the committee that the conditions at Wilmington admit of the easy navigation of sail vessels into and out of that port without any aid whatever from State pilots.

"In the State of Georgia a vessel can procure a pilot license after paying an inward pilotage and then paying a fee of 25 cents per ton register and an additional fee of \$3 for issuing the license. In the State of Georgia licenses are good only in the port in which they are issued. For instance, a vessel trading to Georgia ports would need a license at Savannah, Darien, Brunswick, and Satilla River, which would amount to four pilotages each year and \$1 per ton on the gross tonnage of the vessel. From this it must be perfectly clear to the committee that in none of the ports of Georgia is the services of a pilot actually necessary, the license issued for each port taking the place of and doing the work of the pilot.

"But it must be understood that these sailing vessels are not running regularly to the ports of Georgia; they only go there when there are cargoes there for them to carry. It is an extremely rare thing where the same vessel will enter the ports of Georgia more than four times in any single year. They go to the ports of other Atlantic and Gulf States part of the time for cargoes. It might easily be, and it very often occurs, that a vessel does not again enter the same port in Georgia for which the vessel has procured a license.

"But the committee should remember that these licenses are not issued to vessels in and of the other six States in which the compulsory employment of State pilots is required on sailing vessels in the coastwise trade. As the vessels are trading to the ports of the other States quite as much as to the three States that do issue licenses, it will be apparent that the licenses only help in the three States, one-third of the number, where the employment of pilots is compulsory, and in one of the States, in Georgia, the licenses only apply to the particular ports in which they are issued."

Mr. Pendleton filed with the committee three of the original licenses issued to vessels in which he is interested, copies of which are appended:

[Virginia license.]

Pilot license for coasting vessels.

In pursuance of an act of the general assembly of Virginia entitled "An act changing the law in relation to pilots," a pilot license is hereby granted for the schooner *Cactus*, burthen 456 tons, and trading in the waters of this Commonwealth, for one year from the date hereof and no longer, the sum of forty-five dollars sixty cents having been received by me.

[SEAL.]

O. E. EDWARDS, *Agt.*

Given under my hand and seal this 2d day of Nov., 1903.

[Savannah license.]

City of Savannah, State of Georgia—No. 513.

Pilot's license for vessel exclusively engaged in the coastwise trade.

In pursuance of an act of the general assembly of the State of Georgia, passed December 1st, 1886, amending the pilotage law of this State:

Permission is hereby granted by the commissioners of pilotage for the port of Savannah to the schooner *Joseph W. Brooks*, of Philadelphia, Pa., of the burthen of 729 registered tons, to navigate the bar of Tybee and River Savannah, free of compulsory pilotage, for twelve months from the tenth day of January, nineteen hundred and four. Expires Jan'y 10th, 1905, at noon.

Said vessel having complied with all requirements of said act.

JAS. M. BARNARD, *Jr.*

Chairman Commissioners of Pilotage.

Attest:

O. C. NEWCOMB,

Secretary Commissioners of Pilotage.

729 tons, at twenty-five cents per ton, \$182.25.

[Darien license.]

City of Darien, State of Georgia—No. 69.

For vessels exclusively engaged in the coasting trade.

In pursuance of an act of the general assembly of the State of Georgia, passed December 1st, 1886, amending the pilotage laws of this State:

Permission is hereby granted by the commissioners of pilotage for the port of Darien to the schooner *Cactus*, of New York, N. Y., of the burthen of 456 registered tons, to navigate the Sapelo and Doby bars, and all the bars and inlets from Sapelo bar as far south as St. Simons and River Altamaha, free of compulsory pilotage, for twelve months from the fifth day of December, 1903.

Said vessel having complied with all the requirements of said act.

JAMES K. CLARKE,

Chairman Commissioners of Pilotage.

Attest:

T. A. STUBBS,

Secretary Commissioners of Pilotage.

456 tons, at twenty-five cents per ton, \$114.00.

The issuance of the license to the vessel, of the character described above, carries with it exemption from the compulsory employment of any State pilot, quite regardless of whether or not a competent man is employed to navigate the vessel in the waters of the State or the port for which it is issued. The vessel is not subjected by the local boards to any examination, nor are those in command of her, in order to ascertain whether or not they are competent to pilot the vessel into and out of the waters covered by the license. The license, in fact, is a substitute for the State pilot. It is tantamount to an admission by the State legislatures, and by the boards of pilot commissioners, and by the State pilots, in the States in which it is issued, that the safety of life and property on board of sailing vessels engaged in the coastwise trade is not what is sought by those issuing the license, but that a fee from the vessel and a naked subsidizing of the pilots are the sole objects sought.

The bill (H. R. 7298) substitutes for this condition the requirement that the vessel must be commanded by a duly licensed and competent pilot, so certified by the United States local inspectors of steam vessels in the district in which the port is located, which local inspectors, for the purposes of examining applicants for such pilots' licenses and for the issuance of such licenses, stand to the United States as the boards of pilot commissioners do for the several States.

The bill (H. R. 7298) substitutes for a paper license issued to the vessel by a State, regardless of the competency of the master, a license issued to the master by the United States, certifying that he is a competent pilot for the waters he is permitted to navigate with his vessel.

Obviously this safeguards life and property, while the license issued to the vessel by the State entirely disregards the safety of life and property.

Underwriters, shippers, and travelers, and the people generally, aside from the interested State pilots, their friends, supporters, and sympathizers, must realize that the passage of this bill (H. R. 7298) is for the general good of all. They must realize that relief is also granted to such vessels as now are compelled to pay these pilotage fees when they are commanded by or in tow of tugboats commanded by duly licensed pilots certified as competent by the officers of the United States.

There has been shown a disposition to reflect upon the competency of the local inspectors of steam vessels, in their several districts, to examine applicants for these pilots' licenses. This tendency has been quite manifest on the part of the State pilots and their advocates in their statements before the committee at the recent and at previous hearings. The fact, however, that the masters and mates of all, or nearly all, of the regular steamships entering and leaving these southern ports in the coastwise trade have been examined by these United States local inspectors and given licenses certifying to their competency, and that these pilots thereafter navigate their vessels into and out of the ports for which they are licensed with safety and dispatch, must show that they are quite as competent as the State pilots. No complaint is made as to the injurious evasion of the law in case of steamers. Again, the tugboats that tow vessels into and out of these ports are licensed by the United States inspectors, and these tugboats are handled by men of great skill and dexterity, besides which the tugboats are responsible for the vessel property they undertake to pilot in and out, whereas there is no recovery possible to the owners or the underwriters through the loss of a vessel or injury to her through the neglect or incompetency of the State pilots. These facts tend to strongly emphasize the necessity for the passage of this bill.

In the great commercial ports of the North Atlantic sailing vessels are permitted by State laws to enter and leave without employing State pilots, except when engaging in voyages to and from foreign countries. The dangers of navigation have not been in the least enhanced because of the exemption of sailing vessels in the coastwise trade from the compulsory employment of State pilots in the ports of Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts. In the State of Maine there has never been any law compelling the compulsory employment of State pilots on any vessels, whether engaged in the coastwise or the foreign trade, and yet there is no more loss of life and property in that State, with its dangerous rock-bound coast, than there is in other States, proportioned to the amount of commerce conducted along its shores, nor is there any difficulty in procuring adequate pilotage for all shipping in need thereof.

As a matter of fact, the vast expenditures made by the United States Government for the improvement, and deepening, and straightening of these channels and harbors, especially on the southern coast, and the excellent charts also issued by the United States Government, together with the elaborate systems of light-ships, beacons, buoys, ranges, etc., render navigation both easy and safe. That is the principal object of the expenditure. In these expenditures for river and harbor improvement, running far into the millions, and aggregating close to a half a billion of dollars for the entire country, the nine States of the South that still exact pilotage fees from sailing vessels engaged in the coasting trade have had at least their due share. Their shoal harbors have been made deep, their crooked channels have been straightened, their bars have been removed, extensive and expensive jetties have been built and are being maintained, and the channels have been so buoyed and lighted, and so elaborately and completely charted, that it is an easy matter, in any weather, for a competent navigator to sail his vessel into and out of these ports with perfect safety. That it is done in the ports of the States north of the capes of Virginia, the stormiest part of the Atlantic, day in and day out, year after year, is the most conclusive evidence of the truth of this contention. It can not be reasonably asserted that what is so frequent and so common an occurrence in the ports of the North Atlantic States is a difficult and dangerous undertaking in the ports of the States to the south of the capes. But if it were either dangerous or difficult the licenses would probably never have been granted by the three States that have been named to sailing vessels, exempting them, for a year at a time from the employment of any local pilot whatever.

It is a fact, and especially at Cape Henry, that few if any vessels ever employ the Virginia State pilots to conduct their vessels into the Chesapeake Bay. Were all of the vessels that enter and leave that bay to require the services of pilots the number in existence would be quite inadequate. About all that the pilots do, therefore, at least for vessels in the coastwise trade, is to hail and speak them, in order that the fee may be exacted for pilotage services, should the vessel fail to have or to purchase, after entering the bay, a license or an exemption by way of tribute from the Virginia board of pilot commissioners.

As has been so frequently pointed out, two vessels, entering the Chesapeake Bay via the capes, side by side, one bound to a Virginia port and the other to a Maryland port, navigate precisely the same waters and at almost the same time. The vessel bound to a Virginia port must employ a State pilot or purchase a license for the vessel. The one bound to a Maryland port is entirely free from the compulsory employment of any pilot. The necessity is equally great in each case.

Vessels bound to the District of Columbia from sea are exempt from the employment of local pilots of any kind. The United States Government has not found that navigation is so dangerous or difficult as to compel vessels in the coastwise trade to employ pilots for the waters of the Potomac River, and such vessels, bound for ports on the Potomac, in the District of Columbia, are exempt, both on the Potomac and at the capes of Virginia, whereas vessels bound to Alexandria are compelled by the laws of Virginia to either employ a pilot or purchase a license.

Even under the laws of the Southern States, where pilotage fees are exacted of vessels in the coastwise trade, if the vessel manages to enter the ports without being hailed or spoken by a pilot, she is exempt from the payment of the pilotage fee. So it occurs that sailing vessels frequently remain at sea until nightfall, and attempt to enter the ports where the pilotage fees are required by escaping the vigilance of the State pilots. But this matter is carefully attended to by the pilots, who anchor their pilot boats at the entrance to the channel at the bar, sweeping the channel periodically with powerful searchlights, and hailing and speaking the vessels attempting to escape from their unnecessary, unused, and costly services. Such methods and procedure in the ports to the north of the capes of Virginia are quite unknown, and yet their vast traffic is conducted expeditiously, skillfully, and safely, without complaint or hazard other than inherent maritime hazards, that no pilot can give immunity from.

In these southern ports, where the compulsory employment of State pilots is still in vogue, it is almost the invariable custom for the sail vessel to employ a tugboat to tow her from sea to her dock in the harbor, and to tow her out to sea from her dock after she has secured her cargo. These fine ocean-going tugboats, costing in the neighborhood of \$100,000, and in some cases even more than that, employing a crew of a dozen or more men, burning coal, and commanded by skillful pilots licensed by the United States Government officials, render their services for about one-half, in many cases for one-third, and in some cases for one-quarter the sum that is exacted by the State pilot who levies this unnecessary and expensive tribute upon the unwilling vessel. The State pilot is rarely on board of the sailing vessel for a longer time than the tugboat is fastened to her, and in such cases his duties are perfunctory and merely nominal—he merely directs that the sailing vessel shall follow the tug. A written note to the master of the vessel in such a case would be just as efficacious. Thus, for a service covering but a few hours, of no consequence or benefit whatever to the vessel upon which it is forced, a sum from \$50 to upward of \$100 is charged by the State pilot, according to the draft of the vessel that is compelled by State law to accept his services. If the tugboat causes injury to the vessel she tows, or the sail vessel is lost while in tow of the tugboat, the latter is liable for the injury or loss. But if the State pilot by reason of incompetence or negligence causes injury to the vessel or causes her to be lost, he is not liable for the damage caused, and neither owner nor underwriter has any recourse but to accept the loss.

The following newspaper item shows how vigorously the pilots contest the question of liability which is sought to be maintained:

PILOTS WILL APPEAL.

DECISION IN THE SANTUIT CASE OF FAR-REACHING IMPORTANCE.

[Special to The Washington Post.]

Judge D. Tucker Brooke, counsel for the Virginia Pilots' Association, which was held liable for damages caused by a collision between the steamer *Santuit* and the schooner *George Churchman*, while the latter vessel was in charge of Pilot Guy, will appeal to the Supreme Court from the decision of Judge Waddill.

The court ruled that Pilot Guy and the association of which he is a member must pay to the owners of the *Santuit* \$3,175 paid by them to the owners of the schooner *Churchman* as collision damages. It is stated that the pilot associations of several States are interested in the appeal, the effect of which will be widespread if sustained in the higher courts.

NORFOLK, VA., January 30, 1905.

It has been explained to the committee that it is a rare thing for owners of sailing vessels on our coast to insure their vessels; the insurance rates are so high, and the net earnings of the vessels are so small, that if they were insured there would rarely, if ever, be anything left for the owner; so the owner assumes the risk. A few cases, showing what the comparative earnings of these compulsorily employed State pilots are, were brought to the attention of the committee. They are worthy of reproduction. Says Mr. Fields S. Pendleton, a New York sail-vessel owner:

"I recently had a vessel loaded at Norfolk whose pilotage was \$64.40. She went to Charleston and her pilotage in and out was \$206, making a total pilotage of \$270.40. The owners had left on the voyage \$97.06. In other words, the pilots got three times as much as the owner did."

"Mr. DAVIS. That was for one trip?"

"Mr. PENDLETON. Yes, sir; from Norfolk to Charleston."

"Mr. DAVIS. That is an exceptional case."

"Mr. PENDLETON. I am going to show you some others. The tugboat charge for that voyage was \$65. It was the *Waban*, which is a new tug, which cost from \$70,000 to \$80,000, and which employs 11 men and takes all the risk of towing a vessel in and out of port, so far as accidents go. Her services cost \$65, and the pilots, who stood there without any responsibility except to walk the deck and wear out their shoes, got nearly 333 per cent more."

"Mr. WILSON. Was the \$65 included in the \$270?"

"Mr. PENDLETON. The charge of the tugboat was \$65. The pilotage at Charleston was \$206, and at Norfolk \$64.40, making a total pilotage on the voyage of \$270.40."

"The schooner *Elizabeth T. Doyle* recently went to Jacksonville. She had a pilot on board thirty minutes going in and forty-five minutes coming out, and on coming out the pilot said to the captain, 'Captain, there is no need of my going out with you; just follow the tug, and you will be all right.'"

"The schooner *John R. Bergen* since September has paid the following pilotage: September, pilotage in and out of Charleston, \$206."

"Mr. LITTLEFIELD. That was in 1904?"

"Mr. PENDLETON. Yes, sir; October pilotage at Norfolk, \$56.40; November, pilotage in and out of Charleston, \$206; December, pilotage in and out of Charleston, \$184. The pilotage from September to December was \$652.40."

"The CHAIRMAN. How much was that pilotage?"

"Mr. PENDLETON. Six hundred and fifty-two dollars and forty cents from September to December. The vessel is now in Georgetown and has got to pay another pilotage in and out, making in all \$752, nearly \$800 since September. The owners received \$1,000 dividend, and the pilotage is 65 per cent of what they receive, and there have not been any sails or anchors or chains bought or any repairs."

"Mr. PENDLETON. * * * The schooner *Laura* went from New York to Charleston with coal at 65 cents per ton and had similar expenses. Her gross earnings on the trip were \$2,246.65. On that voyage the bills were \$1,934.10, and that left the owners \$312.65."

"The CHAIRMAN. Who got the balance of the \$1,000?"

"Mr. PENDLETON. It was spent for loading, discharging, and the towage, and to pay the other different people employed on the voyage—the crew and the master."

"Mr. WILSON. How much was it for pilotage?"

"Mr. PENDLETON. The inward pilotage was \$86.61 and the outward pilotage was \$86.61, making a total pilotage of \$173.22. The net earnings were \$312.55. So the pilotage was 55 per cent of the net earnings of the property. That included the vessel. Out of that \$312 the owners have to pay interest, insurance, depreciation, the interest on capital invested, and other things."

"Mr. DAVIS. All that, however, was paid and still left net earnings?"

"Mr. PENDLETON. No, sir; I will clear that point. In the amount I have stated there is nothing for the owners, nothing for insurance, nothing for interest, and nothing for depreciation. No sail-vessel owners figure anything for that; it is what they get as a dividend."

"Mr. LUCKING. What port was that?"

"Mr. PENDLETON. That was at Charleston. That schooner on another voyage got gross earnings \$2,235.73. The gross amount of the

bills on the voyage were \$2,119.41 and the dividends to the owners were \$116.32. The pilotage inward was \$81 and the outward pilotage was \$98, making a total of \$179. The owners had \$116.32 to pay their interest, insurance, and depreciation, and the pilots had \$179, \$62.68 more than the net earnings of the vessel."

Here is the case where a powerful and valuable tugboat, employing eleven men, received but one-fourth the sum that the State pilot received. The employment of tugboats is not compulsory, and the competition between them keeps rates at a reasonable amount. The employment of pilots is compulsory. There is absolutely no competition, and the rates charged are extortionate. The pilots have an absolute ironclad monopoly.

Capt. W. W. Kimball, of the United States Navy, in charge of the light-house district, with his headquarters at New Orleans, La., says, under date of January 19, 1905:

"Pilots are all right as such, but the way the association has gotten control makes me tired. Supply and demand would arrange themselves all right in this case and no harm in protecting the pilot's interests reasonably, but this Gulf pilot business is the most outrageous monopoly whatever. I never took a pilot in any ship I commanded but once, and he put me ashore because I yielded to his local knowledge. It was not in the Gulf, I acknowledge."

Mr. Pendleton showed that the pilots own a tugboat at Wilmington, N. C., and earn double amounts. He said:

"The tugboats and the pilots at Wilmington are combined so that they get the pilotage and the same men get the towage. In other words, the pilotage at Wilmington on a vessel I had there last winter was \$220, in and out, and the towage was about \$150. So they got double; they got \$370, because they used their steamer as their towboat, and in that way they made it count both ways."

The committee, in January, 1903, two years ago, had a similar hearing on a similar bill. At that hearing appeared Capt. C. B. Parsons, the president of the New York Maritime Exchange, which organization, with a membership of upward of 1,000, advocates the passage of such a bill as H. R. 7298. Among the many interesting and valuable statements at that time made by Captain Parsons was a brief table, as follows:

Pilotage on five schooners engaged in the southern coastwise business during 1902.

Name of schooner.	Registered tonnage.	Trips.	Pilotage.
Annie C. Grace.....	454	6	\$720
Anna L. Mulford.....	518	6	840
Lizzie M. Parsons.....	571	6	538
Bayard Hopkins.....	212	8	476
John R. Bergen.....	564	4	690
Total.....	2,319	3,264

Another member of the New York Maritime Exchange, Mr. F. V. L. Jones, submitted statements showing an expenditure during one year on each of two of his vessels, one paying pilotage fees amounting to \$769.50 and the other paying pilotage fees amounting to \$695.50.

Still another member of the New York Maritime Exchange, Mr. William A. Anderson, also submitted statements showing amounts of pilotage paid during one year on vessels belonging to him. In the case of the schooner *Pasadena* he paid during one year \$1,176. The *Pasadena* is 500 net registered tons. On the schooner *Laura C. Anderson*, of 912 net tons, Mr. Anderson on one trip paid pilotage fees amounting to \$562.52. This last-named case may better be explained by Mr. Anderson in his own words:

"She was loaded in Baltimore last March with coal. She had been out three days from Baltimore when one of the crew, shipped in Baltimore, was taken sick with smallpox. She went into Charleston, paid pilotage in, \$115, and we employed a tugboat at \$50. When she got into quarantine and they found this case of smallpox, they ordered her to Sapelo, Ga., to be quarantined. There were twenty cases of smallpox. I was told, in Charleston, and yet they sent the vessel out of that harbor to Sapelo at a great expense, when the man could have been taken off and the vessel fumigated. Of course we had to pay the pilotage out across that bar, \$115, to get out, and then at Sapelo we had to pay the pilotage to get in. When we came back there was another pilotage fee of \$115, and when we had discharged and loaded the vessel again with railroad ties, which were loaded for New York, we paid another \$103, altogether \$662.52.

"I paid that myself, and as I was there and kicked so hard and threatened to sue before I paid the last \$115 inward from Sapelo, they cut it down to \$562.52."

At the public hearing in 1903, Capt. J. Ed. O'Brien, the president of the National State Pilots' Association, when asked as to the number of pilots in the several South Atlantic ports where compulsory pilotage is still maintained under State laws, said that there were 10 pilots at Key West, 10 at Jacksonville, 12 at Fernandina, 15 at Brunswick, 20 at Savannah, 20 to 23 at Charleston, 42 in North Carolina, and 23 at Norfolk. The following question and answer illuminates the subject:

"Mr. LITTLEFIELD. How many pilots would be affected by this bill?"

"Mr. O'BRIEN. One hundred and thirty."

The only justification for the unearned tribute levied upon the sail coastwise fleet is that the sum thus collected is necessary to maintain a corps of pilots required to take care of the foreign-going vessels. It is not claimed that the coastwise fleet need them or use them to any extent. On this point the foreign business of these ports and the number of pilots thus supported to take care of it—as compared, for instance, with Baltimore, which for the time employed per ship and the ground covered by the pilots—greatly exceeds any of the ports affected by this bill, is illuminating. Baltimore has 52 pilots. No one contends that they are not amply sufficient to take care of the business of that port, and their number is regulated by the law of supply and demand. Last year there were 715 foreign entries, with a tonnage of 1,338,888, one pilot in a year averaging nearly 14 vessels and a tonnage of 257,478 in a year.

In Charleston, from which some of the most vigorous opposition to this bill comes, there were 107 foreign entries, with a tonnage of 74,790 with 23 pilots, one pilot piloting at the rate of a little more than 4½ foreign-going vessels in a year, with a tonnage of 3,152, or one-third of the number and a little more than a twenty-fifth of the tonnage—that is, if Baltimore is a fair criterion—and, as it requires more time, Charleston has the advantage in the comparison. Charleston has at least three times as many pilots as the foreign trade needs, and the coastwise sail fleet is maintaining the unnecessary two-thirds, or 15 pilots, by a subsidy that is without consideration to them. At Wil-

ilmington, N. C., in 1903 they had 44 pilots. Last year the foreign entries were 80, with a tonnage of 83,196.

Assuming the number of pilots to remain the same, we would have one pilot during the entire year piloting at the rate of a little less than two vessels, with a tonnage of 1,891, or one-seventh in the number of vessels and about one-fortieth of the amount of tonnage, and the sail coastwise fleet is maintaining, in this instance, the unnecessary six-sevenths, or thirty-six pilots, by this naked subsidy, for which they get no returns. These, it is true, are the most extreme illustrations of the iniquity and injustice of the existing system. The data at hand relating to other ports are as follows:

Port.	Foreign entries.	Tonnage.	Pilots.
Brunswick, Ga.....	155	173,930	15
Fernandina, Fla.....	69	66,546	12
Norfolk, Va.....	238	403,890	23
Savannah, Ga.....	247	390,179	20
Key West, Fla.....	500	514,613	10

To compel a coastwise sail vessel to pay a pilot for a service that she does not need and does not receive in order that the pilot may be supported so as to render a service a few times a year to a vessel that does need and does receive the service is clearly the most offensive form of subsidizing one individual at the expense not of the whole country, but of a few other individuals who are endeavoring to keep alive one of our most languishing industries. But it is claimed—and we have no doubt properly—that an adequate system of pilotage is essential to the commercial welfare and business prosperity of the respective ports affected and the States in which they are situated, and that they ought to be allowed to say when and how the system should be regulated. If this be true—and we concede it may be—then the port and the State where it is situated are the real beneficiaries of this system. It is for their profit and benefit that it is maintained.

If, then, in order to have an adequate pilotage system the pilots must be subsidized for services they do not render, why should not those who are benefited by the subsidy and in whose interests alone it is maintained pay it? If North Carolina insists that a subsidized system of pilotage is essential to the business prosperity of Wilmington, inasmuch as she gets the value received, why shouldn't she pay the consideration instead of loading it upon a single industry which receives no value therefrom? The coastwise sail fleet can pilot itself, at least as well, if not better, than the steam coastwise fleet. They haven't the remotest interest in the pilotage of the foreign fleet. Why should they be compelled to maintain a pilot, say, three hundred and fifty days in order that he may pilot foreign-going vessels during, say, sixty-five days? For 130 men's maintenance, practically in idleness to a large extent, the entire coasting schooner trade of the Atlantic and Gulf coasts of the United States is made to pay tribute. Hundreds of thousands of dollars annually are thus extorted from the pockets of these sail-vessel owners, and enough has been shown to disclose the practical operation of the entire system.

It was stated that it was not the vessel but the shippers of freight who really paid these pilotage fees, and the leader of the State pilots made the bold assertion that the shippers were not objecting to the system; that they desired the continuance of the compulsory requirement, and that it was really a few northern vessel owners who were objecting.

The following letter is of interest at this point:

JACKSONVILLE, FLA., January 21, 1905.

HON. CHARLES H. GROSVENOR,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.

SIR: The undersigned lumber manufacturers, shippers, merchants, and vessel owners of Jacksonville, Fla., respectfully urge the immediate passage of House bill No. 7298, introduced by Mr. LITTLEFIELD, of Maine, entitled "An act to remove discriminations against American sailing vessels in the coasting trade," as a measure of the utmost importance to the commercial interests of this city and the industries whose shipments are made through this port. The exorbitant pilotage fees have long been a useless tax upon our domestic commerce, from which we beg to be freed.

Cooney, Ekstein & Co.; Robert R. Sizer & Co., Thos. M. Sizer, treasurer; G. S. Baxter & Co.; Dexter Hunter, per Arthur C. Wood, attorney; Bliss & Van Anken; Cummer Lumber Company, by A. G. Cummer, second vice-president; E. G. Phinney; T. V. Caspen; E. C. West; Eppinger, Russell Company, Jesse Eppinger, secretary; Chas. Hirsch & Co.; The Haviland Lumber Company, Frank B. Haviland, treasurer; Southern Pine Company of Georgia, Frank B. Haviland, assistant treasurer; Alfred R. Sax Lumber Company, by Alfred R. Sax, president; N. B. Borden & Co.; Weston & Co., Chas. H. Darby, secretary; J. A. McGuire, George Francis, manager; Granger & Lewis, per F. G. Miller, agent.

A similar letter forwarded from Savannah, Ga., dated January 21, 1905, asks for the passage of H. R. 7298; is signed by a number of lumber shippers at that port, including Granger & Lewis; Charles S. Hirsch & Co., per C. B. Stilwell, agent; George T. Craig & Co.; A. S. Bacon & Sons; The Dixon Lumber Company, James M. Dixon, secretary and treasurer; Georgia Lumber Company, by F. J. Garbutt, president; McDonough & Co.; James A. Calhoun; Cooney, Ekstein & Co., by T. McDonough, agent; Heard Lumber Company, B. Willis Heard, treasurer.

The firm of Weston & Co., lumber shippers and vessel owners at Jacksonville, under date of January 25, 1905, wire Chairman Grosvenor as follows:

"Mailed you yesterday petition signed by the principal shippers from Jacksonville, urging the immediate passage of House bill No. 7298, 'An act to remove discriminations against American sailing vessels in the coastwise trade.'"

The same firm sent the following letter:

[Office of Weston & Co., Pitch Pine Lumber.]

JACKSONVILLE, FLA., January 21, 1905.

HON. CHARLES H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
House of Representatives, Washington, D. C.

DEAR SIR: We write to express our approval and to urge the passage of House bill No. 7298, entitled "An act to remove discriminations against sailing vessels in the coastwise trade."

We are residents of this city, own over \$100,000 worth of shipping property, and are large shippers of coastwise lumber. My vessels all hail from Jacksonville, and have repeatedly come in and sailed out of this port without any pilot, but have been obliged to pay for their services just because the pilot spoke them outside.

I inclose herewith several pilotage bills which show that I paid pilotage, but the master preferred not to bother with the pilots. These exorbitant fees should be abolished in the interest of southern industries and the sailing vessels, whose main competitors are steamers which are exempt from these fees.

Trusting that this bill will promptly pass Congress, I beg to remain,
Yours, very respectfully,

WESTON & Co.,
H. WESTON, President.

The bills for pilotage referred to in the foregoing communication are as follows:

Weston & Co., owners of schooner *Springfield* to R. D. Gordon, Dr.
Apr. 8, 1904. To inward-bound pilotage of the schooner
Springfield, inner pilotage, 9 feet, at \$2.50..... \$22.50
Outward pilotage, 16½ feet, at \$3..... 49.50

72.00

Received payment.

MAY 30, 1904.

R. D. GORDON.

Did not pilot vessel outward, but spoke the vessel only.

Weston & Co., owners of schooner *Fairfield*, to C. H. Wilson, Dr.
Apr. 6, 1904. To outward-bound pilotage of schooner *Fairfield*,
16 feet, at \$3 per foot..... \$48.00
Received payment.

C. H. WILSON.

Did not pilot vessel, but spoke her only.

JACKSONVILLE, FLA., June 6, 1904.

Received of Weston & Co. \$49.50 for offering services as pilot,
schooner *Springfield*, outward, June 3, 1904, 16½ feet, at \$3.
\$49.50.

W. J. KING.

MAYPORT, FLA., June 15, 1904.

WESTON LUMBER CO., Shippers, Jacksonville:

Inclosed you will find corrected bill for schooner *Springfield*, spoken
March 27, draft 10 feet, \$25.

MAYPORT, June 15, 1904.

Received of Weston & Co., for inward pilotage of schooner *Springfield*,
draft 10 feet, for March 27, \$25.

R. D. GORDON, Pilot.

Messrs. G. S. Baxter & Co., of Jacksonville, Fla., under date of January
25, 1905, forwarded to Chairman GROSVENOR the following telegram:

"We wish to urge the passage of House bill No. 7298, an act to re-
move discriminations against sailing vessels in the coastwise trade.
We are sawmill and land owners in Florida and large shippers from
Fernandina and Jacksonville."

The following telegrams have also been received:

JACKSONVILLE, FLA., January 25, 1905.

Hon. CHAS. H. GROSVENOR,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.:

We respectfully urge the passage of House bill No. 7298, an act to
remove discriminations against sailing vessels in the coastwise trade.
We are owners of sawmills on the St. Johns River and shippers from
Jacksonville.

HODGES & O'HARA.

JACKSONVILLE, FLA., January 25, 1905.

Hon. CHARLES H. GROSVENOR,
Chairman Merchant Marine and Fisheries Committee,
House of Representatives, Washington, D. C.:

As owners of the largest saw and trading mills in this vicinity, and
operators of phosphate mines and naval stores plats, with over
\$2,000,000 invested in the State of Florida, we most urgently favor the
immediate passage of House bill No. 7298, an act to remove discrimina-
tion against sailing vessels in the coastwise trade.

CUMMER LBR. CO.

JACKSONVILLE, FLA., January 25, 1905.

Hon. CHAS. H. GROSVENOR,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.:

I operate two sawmills on the St. Johns River, and as a manufacturer
and shipper from this State I am much in favor and urge passage of House
bill No. 7298, an act to remove discrimination against sailing vessels in
the coastwise trade.

L. V. CASHEN.

JACKSONVILLE, FLA., January 25, 1905.

Hon. CHARLES H. GROSVENOR,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.:

We respectfully and urgently advocate passage of House bill 7298, an
act to remove discrimination against sailing vessels in coastwise trade.
We own large sawmill, Westlake, Fla., and very large landed and timber
interests in the State and ship quantities of timber from Fernandina
and Jacksonville.

WEST BROS.

JACKSONVILLE, FLA., January 25, 1905.

Hon. CHAS. H. GROSVENOR,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.:

We urgently advocate passage of House bill 7298, an act of discrimi-
nation against sailing vessels. We own large milling interests in the
State and ship quantities of lumber through Jacksonville and Fernan-
dina.

WEST & COFFEY.

The following letters have also been received:

[John S. Emery & Company (Incorporated), ship brokers and ship
agents, 144 State street, Boston.]

JANUARY 24, 1905.

Hon. CHAS. H. GROSVENOR,
Chairman Committee Merchant Marine and Fisheries,
Washington, D. C.

DEAR SIR: We understand the bill to abolish compulsory pilotage in
the coastwise southern trade will soon be acted upon, and we wish to
state that we sincerely hope the bill will receive earnest support.

Our firm has been in the shipping business since 1857 and was incor-
porated in 1901, and we to-day handle, perhaps, forty sailing vessels,
nearly all of which at times trade in southern waters and our South
Atlantic and Gulf ports, and our experience has taught us that compul-
sory pilotage in the South is entirely unnecessary and a heavy burden
to our coastwise tonnage.

These captains trading regularly in southern waters are good pilots,
experienced navigators, and with harbor charts and towage service do
not require pilots; in fact, it is an unnecessary burden, and in our
opinion does not add to the safety of coastwise navigation in these
ports.

Nearly all New England waters are exempt from compulsory pilotage
in the coasting trade, and we do not remember meeting with accidents
when not having pilots in the past, but have lost vessels with pilots on
board.

We have for years thought it advisable to abolish the compulsory
pilotage in southern waters, and we hope now this bill will become op-
erative, and we sincerely hope you will do everything possible to indu-
ence legislation in this direction.

Yours, very truly,

WM. H. RANDALL, Secretary.

COASTWISE TRANSPORTATION COMPANY,
Boston, Mass., January 24, 1905.

Hon. CHARLES LITTLEFIELD,
House of Representatives, Washington, D. C.

MY DEAR MR. LITTLEFIELD: I note by the papers that the hearing
of the compulsory pilot bill will be before the committee on Thursday
the 26th. I will give you a statement of the amount we pay for com-
pulsory pilotage on our fleet, as follows:

Thomas W. Lawson	\$491.40
William L. Douglas	347.00
George W. Wells	274.00
T. Charlton Henry	214.90
Van Allens Boughton	190.50
Henry W. Cramp	144.80
Sagamore	122.00
Mount Hope	98.90
J. C. Strawbridge	75.80
Margaret Haskell	187.00
Samuel J. Goucher	226.00

Total..... 2,372.30

You will note that this is quite a sum to pay each year for something
that we do not get any benefit from, and it is quite a heavy tax on our
vessels.

I wish to state further that all of our captains and mates have to
go through a rigid examination before they can become captains and
mates, and have to have certificates from the United States Govern-
ment, and I can not understand why they should not have the privilege
of taking their own vessels in and out of southern ports without either
having to take a pilot or pay a pilot license.

I will inclose a pilot license that is issued by the pilots of Virginia
and you can see how absurd it is. All light-houses, light-ships, buoys,
and day marks are furnished and kept by the United States Govern-
ment, and why should any State put a restriction and make our vessels
pay for the privilege of navigating our own vessels in and out of these
ports?

I hope and trust that you will be able to impress this upon the com-
mittee and upon Congress, and that they will pass an act to abolish
this unjust tax on our American vessels.

Yours, very truly,

J. C. CROWLEY,
General Manager and Treasurer.

The license inclosed with the last foregoing letter reads as follows:

Pilot license for coasting vessels.

In pursuance of an act of the general assembly of Virginia, entitled
"An act changing the law in relation to pilots," pilot license is hereby
granted for the schooner called the *J. C. Strawbridge*, burthen 758
tons, and trading in the waters of this Commonwealth, for one year
from the date hereof and no longer, the sum of \$75.80 having been
received by me.

[SEAL.]

VIRGINIA PILOT ASSOCIATION.
O. E. EDWARDS, Agent.

Given under my hand and seal this 19th day of January, 1905.

The pilotage fees covered by the above itemized statement probably
refers solely to those paid for the licenses issued to the vessels named
by the Virginia Board of Pilots, and does not cover pilotage fees paid
by any of the vessels in other southern ports.

It will be interesting, in view of what Captain Crowley says, to show
in some detail what the United States Government has expended for
the improvement of some of these southern ports. From the records of
the War Department we find a compilation by Lieut. Col. C. W. Ray-
mond, Volumes I and II, printed as Document No. 439, House of Repre-
sentatives, Fifty-seventh Congress, of the following appropriations for
river and harbor improvements in South Atlantic and Gulf States and
ports, to and including 1900:

Virginia, total for State	\$5,526,387.97
Norfolk Harbor, 1876 to 1898, inclusive, \$1,- 542,500.	
North Carolina, total for State	5,122,058.92
Wilmington, Cape Fear River at and below Wil- mington, \$3,383,228.92.	
South Carolina, total for State	7,151,295.00
Charleston Harbor, 1852 to 1900, inclusive, \$4,- 672,200.	
Port Royal (Beaufort River), 1890 to 1896, in- clusive, \$31,000.	

Georgia, total for State	\$7,971,472.35
Savannah Harbor (from 1826), \$6,743,563.58;	
Brunswick Harbor and outer bar, \$265,000.	
Florida, total for State	4,627,606.46
Carrabelle bar and harbor, 1896 to 1899, \$20,000;	
Fernandina, \$149,000; Key West Harbor, 1882 to	
1899, \$352,500; Pensacola Harbor, 1878 to 1899,	
inclusive, \$720,000; Jacksonville (1852 to 1899, in-	
clusive), \$1,892,000, and Tampa (1880 to 1900),	
\$340,000.	
Alabama, total for State	6,783,102.22
Mobile bay, harbor, and river (1826 to 1900),	
\$4,248,620.60.	
Mississippi, total for State	1,464,244.80
Pascagoula (1827 to 1896), \$518,100.	
Louisiana, total for State	2,727,115.25
New Orleans (mouth of Mississippi), \$10,689,-	
869.75.	
Texas, total for State	15,452,421.85
Galveston (1870 to 1899, inclusive), \$8,528,000;	
Sabine Pass Harbor (1852 to 1900, inclusive), \$3,-	
444,750.	
Total for all States above enumerated	56,825,774.82

Notwithstanding all of these expenditures, despite the great changes that have been made in the channels and harbors, the increased depth, the straightening of tortuous channels, the buoying, lighting, and marking, and the splendid charts prepared by the Government, and the ease with which vessels that have paid for a license may sail in and out of them, all indicate very clearly that the retention of compulsory pilotage on coasting sailing vessels has no other justification than a determination on the part of the several States concerned to arbitrarily exercise a power they have been permitted by Congress to retain to unjustly tax interstate commerce.

To show the extent to which these pilotage fees are levied upon sail vessels in the coastwise trade, below will be found charges in a few of the leading South Atlantic and Gulf ports:

Port, etc.	Pilotage from sea inward.	Total amount in and out.
Wilmington, N. C.:		
16 feet draft.....	\$77.25	\$154.50
21 feet draft.....	167.25	334.50
Brunswick, Ga.:		
16 feet draft.....	79.00	158.00
23 feet draft.....	195.00	390.00
Fernandina, Fla.:		
16 feet draft.....	80.00	160.00
23 feet draft.....	138.00	276.00
Mobile, Ala.:		
16 feet draft.....	88.00	176.00
23 feet draft.....	149.50	299.00
Pensacola, Fla.:		
16 feet draft.....	80.00	160.00
23 feet draft.....	138.00	276.00

The abolition of this compulsory pilotage on sailing vessels in the coasting trade has received the indorsement and recommendation of successive administrative departments of the Government that have supervision over the maritime interests of the United States. The reports of Commissioners of Navigation are replete with argument, piled upon argument, year after year, bearing upon this subject and urging upon Congress the rectification of this grievous discrimination against sailing vessels. A few extracts culled from the reports of the present Commissioner of Navigation since and inclusive of 1895 are herewith appended:

[Extract from report for 1895.]

Pilotage is one of the heaviest charges upon navigation, and to exempt one description of American vessels in the coasting trade from that charge while imposing it upon another description of American vessels in the same trade comes close to ruling the sailing vessels out of the business and bestowing it upon steam vessels exclusively.

[Extract from report for 1896.]

The recommendation has the cordial support of the leading maritime and commercial organizations of the Atlantic seaboard, and its enactment by Congress is almost indispensable to the existence of our sailing fleet on the Atlantic coast in the coastwise trade, virtually the only trade open to it under present conditions.

The report for 1897 renews the recommendations made in 1896.

[Extract from report for 1898.]

The bill is limited in its operations and considers all possible danger to navigation. Only sail vessels of which the masters or mates have passed the examination prescribed for and obtained the license awarded to masters and mates of steam vessels are to be exempt from pilotage when no pilot is in fact employed. It will be a considerable gain to safety in navigation under any circumstances thus to require masters and mates of sail vessels to qualify as pilots.

[Extract from report for 1899.]

It is contended that Congress is the proper tribunal to which to appeal for a correction of this unfair discrimination—

First, because the Constitution vests in Congress the right to regulate commerce of which pilotage is essentially a feature, and Congress, by its first act relating to pilotage, reserved to itself the power to regulate it as occasion requires.

Second, because Congress, by exempting steam vessels from State pilotage charges, except for services rendered, itself created the discrimination which now calls for correction.

Third, because Congress, by its liberal appropriations for improvements of the harbors in the nine States which still exact pilotage fees from coasting sailing vessels where services are not now rendered, has removed the reason by which such charges were formerly justified.

Report for 1900 repeated recommendations made in 1899 report.

[Extract from report for 1901.]

"The steady and large increase in the foreign vessels entering and clearing at our ports in foreign trade and our vast expenditures for river and harbor improvements to reduce the danger of navigation and

render our ports more accessible to vessels of great draft, strengthen every year the argument in favor of the abolition of this discrimination. The situation created by law is one of peculiar hardship to men who, as a rule, are hard working and of small or moderate means, the owners of coasting schooners. Necessarily, large steamers, operated in connection with railroad systems, are acquiring a steadily increasing share of the coasting trade. The money spent in deepening, widening, and straightening channels and removing bars which these schooner owners, in the form of Federal taxes, help cheerfully to contribute, is principally for the benefit of the large steamer, exempt from pilotage, while the small schooners are required to pay, whether a pilot is employed or not."

The report for 1902 repeats the recommendations on this subject contained in the report for 1901.

The report for 1903, after showing the decline in our sailing tonnage under register, says:

"All competent nautical authorities agree that training on a square-rigged ship is necessary for the officer of a steamer. Such training is obligatory in our Navy. The great German steamship companies within the past few years have added several full-rigged ships to their lists as training schools for the future deck officers of their ocean steamers. Unless Congress or private interests soon follow this example the lack of competent officers for American steamers may soon prove a serious handicap to any development of our ocean steam merchant fleet."

"In the meantime the abolition of the discrimination in pilotage charges against sail vessels in the coasting trade is again earnestly recommended as an immediate and practical method of fostering American sail tonnage."

On this subject the report for 1904 says:

"Discrimination against sail vessels in the coasting trade.—Heavy pilotage charges or license fees are imposed on American sail vessels in the coasting trade in ports from Virginia to Texas, inclusive. American steam vessels in the same trade are exempt from such charges. The discrimination is severely felt, and it has undoubtedly contributed to retard American sail tonnage. While the charges are imposed under State laws, the discrimination arises from section 51 of the act of Congress approved February 28, 1871. Among other things that section (incorporated as section 4444 in the Revised Statutes) provided:

"And no State or municipal government shall impose upon pilots of steam vessels herein provided for any obligation to procure a State or other license in addition to that issued by the United States, nor other regulation which shall impede such pilots in the performance of their duties as required by this act; nor shall any pilot charges be levied by any such authority upon any steamer piloted as herein provided."

"When this act was passed, thirty-three years ago, the inspection system applied only to steam vessels, and Congress may have deemed steam vessels deserving of the special encouragement involved in the exemption from State pilotage charges. On June 30, 1871, our enrolled tonnage comprised 903,543 tons steam and 1,901,731 tons sail. On the 30th of last June it comprised 3,004,928 tons steam and 2,278,861 tons sail. Steam has increased over 200 per cent, sail only 20 per cent, in enrolled tonnage. Since 1898 the Government inspection system has been extended so as partially to include the sail fleet. Such burdens as the inspection system may entail have been imposed on the sail fleet. The corresponding benefits remain to be bestowed by Congress. In the reports of the Bureau for some years past arguments for the removal of this discrimination have been set forth at some length. (Report for 1895, pp. 45-47; 1896, pp. 31-32; 1897, pp. 45-46; 1898, p. 62; 1899, p. 89; 1900, p. 60; 1901, p. 65; 1902, p. 64; 1903, p. 46.)

"The conditions of foreign trade afford only steadily diminishing opportunities for American sailing vessels, and the sail fleet must more and more be confined to domestic transportation. The sail fleet is a necessity to the maintenance of a reserve personnel for national defense. As an original proposition it seems that Congress could well enact a law giving to sail vessels, when piloted by officers whose competency has been tested by Federal examination, exemption from State pilotage charges. It is the best form of relief practicable."

The considerations hereinbefore set out in detail amply justify these recommendations. A great amount of time and energy has been spent, and especially of late, in devising ways and means for the rescue of our merchant marine from elimination as an appreciable factor in our commerce. As to the desirability of that end there is a universal consensus of opinion. As to the proper and adequate means to be employed there is a decided difference of opinion. Here is an opportunity to afford some needed relief to certainly not the least deserving branch of that marine.

All who believe in equal rights to all and special privileges to none should join in the support of this bill.

Mr. SHERLEY. Mr. Speaker, I ask, on behalf of all who have spoken on this subject, leave to extend remarks in the RECORD.

Mr. LITTLEFIELD. Mr. Speaker, I would like five minutes longer.

Mr. SHERLEY. That is hardly a fair request, and I shall have to object to it.

Mr. LITTLEFIELD. I did not suppose my time had so nearly expired or I would not have yielded to the interruptions. I ask unanimous consent that I may have five minutes more.

Mr. SHERLEY. Under the plain stipulation, I feel it my duty to object.

Mr. LITTLEFIELD. Mr. Speaker, I move the previous question on the bill to its final passage.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. MAYNARD) there were—ayes 127, noes 116.

So the bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. SHERLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 165, answered "present" 6, not voting 103, as follows:

YEAS—109.

Alexander	Davidson	Hubbard	Richardson, Ky.
Allen, Me.	Denby	Huff	Rucker
Ames	Dovener	Humphrey, Wash.	Saunders
Babcock	Draper	Jones, Wash.	Scott
Bannon	Driscoll	Knapp	Smith, Cal.
Bennet, N. Y.	Dwight	Lamb	Smith, Iowa
Bingham	Edwards	Lawrence	Smyser
Bishop	Esch	Littlefield	Southwick
Bonyne	Fassett	Longworth	Sperry
Bowersock	Field	Lowden	Stafford
Bradley	Fordney	McCall	Steenerson
Brown	Foss	McCreary, Pa.	Sterling
Brownlow	Foster, Vt.	McKinlay, Cal.	Stevens, Minn.
Burke, S. Dak.	Gaines, W. Va.	McNary	Sullivan
Burleigh	Gardner, Mich.	Mann	Sulloway
Burleson	Gilham	Miller	Tawney
Burton, Ohio	Gillett	Minor	Thomas, N. C.
Butler, Pa.	Graham	Nelson	Tirrell
Calderhead	Greene	Norris	Volstead
Capron	Gronna	Olcott	Vreeland
Chaney	Grosvenor	Page	Waldo
Cole	Hardwick	Palmer	Wanger
Conner	Haskins	Parsons	Watson
Cooper, Pa.	Henry, Conn.	Payne	Weeks
Currier	Hepburn	Perkins	The Speaker
Cushman	Higgins	Pollard	
Dale	Hill, Conn.	Powers	
Dalzell	Howell, Utah	Reeder	

NAYS—165.

Adamson	Dunwell	Kline	Rives
Alken	Ellerbe	Knopf	Roberts
Bankhead	Ellis	Knowland	Robinson, Ark.
Barchfeld	Finley	Lacey	Rodenberg
Bartholdt	Flood	Lamar	Russell
Bartlett	Floyd	Landis, Chas. B.	Samuel
Beall, Tex.	Foster, Ind.	Landis, Frederick	Schneebell
Bede	French	Law	Scroggy
Beidler	Fulkerson	Lee	Shackleford
Bell, Ga.	Fuller	Legare	Sheppard
Birdsall	Garner	Lever	Shirley
Boutell	Garrett	Lewis	Slms
Bowers	Gillespie	Lilley, Pa.	Smith, Ky.
Brantley	Glass	Little	Smith, Md.
Brick	Goulden	Livingston	Smith, Samuel W.
Brooks, Tex.	Granger	Lloyd	Smith, Wm. Alden
Broussard	Gregg	Loud	Smith, Pa.
Brundidge	Griggs	McGavin	Smith, Tex.
Burgess	Gudger	McKinney	Snapp
Burnett	Hale	McLachlan	Southall
Burton, Del.	Hamilton	McLain	Sparkman
Butler, Tenn.	Haugen	Macon	Spight
Calder	Hay	Madden	Stanley
Campbell, Ohio	Hayes	Marshall	Taylor, Ala.
Candler	Hedge	Maynard	Taylor, Ohio
Cassel	Hedlin	Moon, Tenn.	Towne
Chapman	Henry, Tex.	Moore, Tex.	Townsend
Clark, Fla.	Hill, Miss.	Mouser	Trimble
Clark, Mo.	Hinslaw	Mudd	Underwood
Clayton	Hogg	Murdock	Wallace
Cocks	Houston	Needham	Watkins
Cooper, Wis.	Howard	Otjen	Webb
Cromer	Humphreys, Miss.	Overstreet, Ga.	Weems
Crumpacker	Hunt	Padgett	Wharton
Davey, Ia.	James	Patterson, N. C.	Wiley, Ala.
Davis, Minn.	Johnson	Patterson, S. C.	Williams
Davis, W. Va.	Jones, Va.	Pujo	Wilson
Dawes	Kahn	Rainey	Woodyard
Dawson	Kelfer	Randell, Tex.	Zenor
De Armond	Kennedy, Nebr.	Reynolds	
Decmer	Kennedy, Ohio	Rhodes	
Dixon, Ind.	Kitchin, Wm. W.	Richardson, Ala.	

ANSWERED "PRESENT"—6.

McKinley, Ill.	Pou	Small	Young
Olmsted	Prince		

NOT VOTING—102.

Acheson	Garber	Loudenslager	Robertson, La.
Allen, N. J.	Gardner, Mass.	Lovering	Ruppert
Andrus	Gardner, N. J.	McCarthy	Ryan
Bates	Gilbert	McCleary, Minn.	Shartel
Bennett, Ky.	Gill	McDermott	Sherman
Blackburn	Goebel	McMorran	Sibley
Bowie	Goldfogle	Mahon	Slayden
Brooks, Colo.	Graff	Martin	Slomp
Brumm	Hearst	Meyer	Smith, Ill.
Buckman	Hermann	Michalek	Southard
Burke, Pa.	Holliday	Mondell	Stephens, Tex.
Byrd	Hopkins	Moon, Pa.	Sulzer
Campbell, Kans.	Howell, N. J.	Moore, Pa.	Talbot
Cockran	Hughes	Morrell	Thomas, Ohio
Condrey	Hull	Murphy	Tyndall
Cousins	Jenkins	Nevin	Van Duzer
Curtis	Kellher	Overstreet, Ind.	Van Winkle
Darragh	Kinkaid	Parker	Wachter
Dickson, Ill.	Kitchin, Claude	Patterson, Tenn.	Wadsworth
Dixon, Mont.	Klepper	Pearre	Webber
Dresser	Lafean	Ransdell, La.	Weisse
Fitzgerald	Le Fevre	Reid	Welborn
Flack	Lilley, Conn.	Reynolds	Wiley, N. J.
Fletcher	Lindsay	Rhinock	Wood
Fowler	Littauer	Riordan	
Gaines, Tenn.	Lorimer	Rixey	

So the motion was rejected.

The Clerk announced the following pairs:

On the pilotage bill:

Mr. FLETCHER (for the bill) with Mr. PRINCE (against the bill).

Mr. CURTIS (for the bill) with Mr. STEPHENS of Texas (against the bill).

Mr. YOUNG (for the bill) with Mr. GAINES of Tennessee (against the bill).

Mr. SMALL (for the bill) with Mr. PEARRE (against the bill).

For the day:

Mr. SIBLEY with Mr. WEISSE.

Mr. MOORE of Pennsylvania with Mr. VAN DUZER.

Mr. REYBURN with Mr. POU.

Mr. WACHTER with Mr. TALBOTT.

Mr. DIXON of Montana with Mr. GARBER.

Mr. COUDREY with Mr. RIORDAN.

Mr. HOWELL of New Jersey with Mr. RANDELL of Louisiana.

Mr. DARRAGH with Mr. SULZER.

Mr. ACHESON with Mr. SLAYDEN.

Mr. COUSINS with Mr. KELIHER.

Mr. JENKINS with Mr. RIXEY.

Mr. LILLEY of Connecticut with Mr. COCKRAN.

Mr. THOMAS of Ohio with Mr. GILL.

Mr. MONDELL with Mr. RYAN.

Mr. LORIMER with Mr. RHINOCK.

Mr. LOUDENSLAGER with Mr. ROBERTSON of Louisiana.

Mr. LE FEVRE with Mr. REID.

Mr. LAFEAN with Mr. LINDSAY.

Mr. LITTAUER with Mr. MEYER.

Mr. HULL with Mr. PATTERSON of Tennessee.

Mr. HUGHES with Mr. HOPKINS.

Mr. HOLLIDAY with Mr. CLAUDE KITCHIN.

Mr. GRAFF with Mr. HEARST.

Mr. GOEBEL with Mr. GOLDFOGLE.

Mr. GARDNER of New Jersey with Mr. GILBERT of Kentucky.

Mr. GARDNER of Massachusetts with Mr. BYRD.

Mr. CAMPBELL of Kansas with Mr. FITZGERALD.

Mr. ANDREWS with Mr. BOWIE.

For the session:

Mr. VAN WINKLE with Mr. McDERMOTT.

Mr. SHERMAN with Mr. RUPPERT.

The result of the vote was announced as above recorded.

[Applause.]

Mr. SHERLEY. Mr. Speaker, I move to reconsider the last vote, and to lay that motion on the table.

The SPEAKER. The gentleman from Kentucky moves to reconsider the vote, and to lay that motion on the table.

The question was taken; and the motion was agreed to.

Mr. SHERLEY. Mr. Speaker, I now renew my motion that leave to print be given those who spoke upon the bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that gentlemen who spoke upon this measure may have leave to extend their remarks in the RECORD.

Mr. MANN. Upon the subject-matter?

Mr. SHERLEY. Why, of course.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. BRUMM, by unanimous consent, was granted leave of absence until Tuesday next on account of important business.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1804. An act providing for the use of certified checks to secure compliance with proposals and contracts for naval supplies.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on the District of Columbia was discharged from the further consideration of the bill (H. R. 20992) to authorize the paving of Twenty-third street NW., between S and U streets, and the same was referred to the Committee on Appropriations.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of

Mary W. Littell, widow of William J. Littell, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Ella J. Vermillion, daughter and heir at law of Zachariah A. Morgan, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of D. W. Poor, son and heir at law of James A. Poor, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of appropriation for printing and binding for the Navy Department for the fiscal year ending June 30, 1908—to the Committee on Appropriations, and ordered to be printed.

A letter from the secretary of the board of naval officers appointed under act of March 3, 1905, submitting report of the board as to cost of armor plate and armor plant—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report of a joint committee of the Treasury and Post-Office Departments in relation to the destruction of certain papers used in the money-order department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for survey and subdivision of Indian reservations and allotment of lands in severalty—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of additional appropriation for the work of the Commission to the Five Civilized Tribes—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the secretary of the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation for the public schools of the District—to the Committee on Appropriations, and ordered to be printed.

A letter from the Comptroller of the Currency, transmitting his report for the year ended October 31, 1906—to the Committee on Banking and Currency, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for contingent expenses of land offices—to the Committee on Appropriations, and ordered to be printed.

A letter from the Librarian of Congress, transmitting his annual report and the report of the Superintendent of the Library Building and Grounds for the fiscal year ended June 30, 1906—to the Committee on the Library.

A letter from the Secretary of the Treasury, transmitting an abstract of the official emoluments of officers in the customs service received by them during the fiscal year ended June 30, 1906—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of War, transmitting reports of inspections of disbursements and transfers by officers of the Army—to the Committee on Expenditures in the War Department.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Pearl River from the mouth to Rock River, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Long Rock, Echo Bay, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Upper Cache River, Arkansas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Lawrence River near Thousand Island Park, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of New London Harbor, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a let-

ter from the Chief of Engineers, report of examination of Pearl River, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Great Harbor, Culebra Island, Porto Rico—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Pentwater Harbor, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of anchorage basin at Gulfport channel, therefrom to the roadstead at Ship Island and of Ship Island Pass, and survey of Ship Island Pass, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, submitting certain modifications of the annual estimates for transportation of the Army, and submarine mines—to the Committees on Appropriations and Military Affairs, and ordered to be printed.

A letter from the Secretary of War, submitting abstract of proposals received during the fiscal year ended June 3, 1906, for materials and labor in connection with works under the Engineer Department—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a certificate from the governor and secretary of state of New Mexico showing the result of the election in that Territory on November 6, 1906, on the subject of joint statehood with Arizona—to the Committee on the Territories, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the decisions filed by the court in dismissing the cases of William D. Long and Lucy L. Breckenridge, heirs of Stephen H. Long, and sundry other cases against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Elias Emmert, administrator of estate of Samuel Emmert, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William H. Brown against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Martha E. Conklin against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Reading against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary E. Barrows against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John W. Dixon against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary Wolf and D. Elmer Wolf, administrators of estate of David Wolf, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Priscilla Burwell, executrix of estate of Armistead Burwell, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William E. Boteler, administrator of estate of Hezekiah Boteler, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John S. Smith, administrator of estate of Nancy N. B. Bridges, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George F. Swann, administrator of estate of George T. Swann,

against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph A. Briley against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the decision filed by the court in dismissing the case of Joseph E. and William Nourse against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the decision filed by the court in dismissing the cases of T. Alonzo Walker, Augusta C. Todd, and sundry others against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the decision filed by the court in dismissing the case of H. J. Burns, administrator of estate of Robert Wilkinson, deceased, and sundry other cases against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action of the court in dismissing the cases of Francis Dainese and others against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Sally*, Eden Wadsworth, master—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHANEY, from the Committee on Invalid Pension, to which was referred the bill of the House (H. R. 18261) granting an increase of pension to John T. Mitchell, reported the same without amendment, accompanied by a report (No. 5097); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18155) granting an increase of pension to Frank S. Hastings, reported the same with amendment, accompanied by a report (No. 5098); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18031) granting an increase of pension to Daniel H. Toothaker, reported the same without amendment, accompanied by a report (No. 5099); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17770) granting an increase of pension to Julia P. Grant, reported the same with amendment, accompanied by a report (No. 5100); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16087) granting an increase of pension to Charles W. Foster, reported the same with amendment, accompanied by a report (No. 5101); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15790) granting an increase of pension to Nicholas W. Dorrel, reported the same with amendment, accompanied by a report (No. 5102); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15421) granting an increase of pension to Paul Diedrich, reported the same without amendment, accompanied by a report (No. 5103); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15297) granting an increase of pension to Nelson Hanson, reported the same without amendment, accompanied by a report (No. 5104); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 15004) granting an increase of pension to W. J. McAtee, reported the same with amendment, accompanied by a report (No. 5105); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14689) granting an increase of pension to Herman G. Weller, reported the same with amendment, accompanied by a report (No. 5106); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14673) granting an increase of pension to David H. Semans, reported the same with amendment, accompanied by a report (No. 5107); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13241) granting an increase of pension to Francis Haner, reported the same with amendment, accompanied by a report (No. 5108); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12574) granting an increase of pension to Jacob R. Burkhardt, reported the same with amendment, accompanied by a report (No. 5109); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12106) granting an increase of pension to George W. Reagan, reported the same with amendment, accompanied by a report (No. 5110); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12036) granting a pension to Charles H. Tighe, guardian, reported the same with amendment, accompanied by a report (No. 5111); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11636) granting an increase of pension to Lawrence Hogan, reported the same with amendment, accompanied by a report (No. 5112); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11564) granting an increase of pension to James Morrow, reported the same with amendment, accompanied by a report (No. 5113); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10958) granting an increase of pension to Levi Dodson, reported the same with amendment, accompanied by a report (No. 5114); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10804) granting an increase of pension to John H. Worley, reported the same with amendment, accompanied by a report (No. 5115); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4656) granting an increase of pension to Thomas Snell, reported the same with amendment, accompanied by a report (No. 5116); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1687) granting an increase of pension to James C. Daly, reported the same with amendment, accompanied by a report (No. 5117); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9816) granting an increase of pension to Charles A. Spanogle, reported the same with amendment, accompanied by a report (No. 5118); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7834) granting a pension to Joseph Amos, reported the same with amendment, accompanied by a report (No. 5119); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 600) granting

an increase of pension to Oliver H. McLain, reported the same with amendment, accompanied by a report (No. 5120); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2290) granting an increase of pension to Peter Reedy, reported the same with amendment, accompanied by a report (No. 5121); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2422) granting an increase of pension to Earl R. Childs, reported the same with amendment, accompanied by a report (No. 5122); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5172) granting an increase of pension to Milton Stratton, reported the same with amendment, accompanied by a report (No. 5123); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4663) granting an increase of pension to Horace B. Tanner, reported the same with amendment, accompanied by a report (No. 5124); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18247) granting an increase of pension to William Baird, reported the same with amendment, accompanied by a report (No. 5125); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2822) granting an increase of pension to Levi Gates, reported the same with amendment, accompanied by a report (No. 5126); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12911) granting an increase of pension to A. S. Delaware, reported the same with amendment, accompanied by a report (No. 5127); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18771) granting an increase of pension to William G. Bailey, reported the same with amendment, accompanied by a report (No. 5128); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18761) granting an increase of pension to Benjamin Bolinger, reported the same without amendment, accompanied by a report (No. 5129); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18742) granting an increase of pension to Martin V. Barney, reported the same with amendment, accompanied by a report (No. 5130); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18637) granting an increase of pension to Henry L. Sparks, reported the same with amendment, accompanied by a report (No. 5131); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18634) granting an increase of pension to Mary Sullivan, reported the same with amendment, accompanied by a report (No. 5132); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18494) granting an increase of pension to Emmagene Bronson, reported the same with amendment, accompanied by a report (No. 5133); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18474) granting an increase of pension to Robert Sturgeon, reported the same with amendment, accompanied by a report (No. 5134); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18179) granting an increase of pension to William G. Baity, reported the

same with amendment, accompanied by a report (No. 5135); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18114) granting an increase of pension to Henry B. Parker, reported the same without amendment, accompanied by a report (No. 5136); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17969) granting an increase of pension to Charles Walrod, reported the same with amendment, accompanied by a report (No. 5137); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17958) granting an increase of pension to Alexander Dixon, reported the same with amendment, accompanied by a report (No. 5138); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17864) granting an increase of pension to Mary E. Austin, reported the same with amendment, accompanied by a report (No. 5139); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17646) granting a pension to James M. Sheak, reported the same with amendment, accompanied by a report (No. 5140); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17539) granting a pension to Ambrose D. Albertson, reported the same with amendment, accompanied by a report (No. 5141); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17486) granting an increase of pension to Rudolph Papst, reported the same with amendment, accompanied by a report (No. 5142); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8373) granting an increase of pension to Patrick Weir, reported the same with amendment, accompanied by a report (No. 5143); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17172) granting an increase of pension to John Short, reported the same with amendment, accompanied by a report (No. 5144); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16895) granting an increase of pension to William M. Baker, reported the same with amendment, accompanied by a report (No. 5145); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16257) granting a pension to Mary O'Donnell, reported the same with amendment, accompanied by a report (No. 5146); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15980) granting an increase of pension to John F. Smith, reported the same with amendment, accompanied by a report (No. 5147); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15890) granting a pension to Hiram C. Barney, reported the same with amendment, accompanied by a report (No. 5148); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15455) granting an increase of pension to John D. Brooks, reported the same without amendment, accompanied by a report (No. 5149); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15430) granting an increase of pension to Oliver L. Lawrence, reported the same with amendment, accompanied by a report (No. 5150); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15193) granting an increase of pension

to Frederick W. Studdiford, reported the same without amendment, accompanied by a report (No. 5151); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15769) granting an increase of pension to William Winslow Bennett, reported the same with amendment, accompanied by a report (No. 5152); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15580) granting an increase of pension to James P. Hudkins, reported the same with amendment, accompanied by a report (No. 5153); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15202) granting a pension to Henry Peetsch, reported the same without amendment, accompanied by a report (No. 5154); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14767) granting an increase of pension to Henry Simon, reported the same with amendment, accompanied by a report (No. 5155); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14690) granting an increase of pension to Henrietta Hull, reported the same with amendment, accompanied by a report (No. 5156); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14263) granting a pension to Fidella Sellers, reported the same with amendment, accompanied by a report (No. 5157); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14238) granting an increase of pension to William H. Van Tassell, reported the same without amendment, accompanied by a report (No. 5158); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13887) granting an increase of pension to Joseph G. Eagler, reported the same with amendment, accompanied by a report (No. 5159); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10773) granting an increase of pension to George C. Rathbun, reported the same with amendment, accompanied by a report (No. 5160); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6920) granting an increase of pension to Simon Millison, reported the same with amendment, accompanied by a report (No. 5161); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3496) granting an increase of pension to Edward Walton, reported the same with amendment, accompanied by a report (No. 5162); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13813) granting an increase of pension to Samuel Brown, reported the same with amendment, accompanied by a report (No. 5163); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13053) granting a pension to Eli Bunting, reported the same with amendment, accompanied by a report (No. 5164); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12152) granting an increase of pension to Leonidas E. Mills, reported the same with amendment, accompanied by a report (No. 5165); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3355) granting an increase of pension to James Allen, reported the same with amendment, accompanied by a report (No. 5166); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4386) granting an increase of pension to Zelinda E. Odenbaugh, reported the

same with amendment, accompanied by a report (No. 5167); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5063) to increase the pension of William G. Miller, reported the same with amendment, accompanied by a report (No. 5168); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7247) granting a pension to Lorenzo Sink, reported the same with amendment, accompanied by a report (No. 5169); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1938) granting an increase of pension to Thomas B. Foutty, reported the same without amendment, accompanied by a report (No. 5170); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1904) granting an increase of pension to Nelson R. Satterlee, reported the same with amendment, accompanied by a report (No. 5171); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1806) granting a pension to Eliza J. Ingle, reported the same without amendment, accompanied by a report (No. 5172); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1709) granting an increase of pension to B. P. Munns, reported the same with amendment, accompanied by a report (No. 5173); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6911) granting an increase of pension to William J. Turner, reported the same without amendment, accompanied by a report (No. 5174); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3733) granting an increase of pension to Simeon D. Chelf, reported the same with amendment, accompanied by a report (No. 5175); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6189) granting an increase of pension to Arthur Tibbits, reported the same with amendment, accompanied by a report (No. 5176); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5648) granting an increase of pension to William Hand, reported the same with amendment, accompanied by a report (No. 5177); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7912) granting an increase of pension to James M. Lawder, reported the same with amendment, accompanied by a report (No. 5178); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8335) granting an increase of pension to John T. Harvey, reported the same with amendment, accompanied by a report (No. 5179); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9090) granting an increase of pension to Amasa B. Saxton, reported the same without amendment, accompanied by a report (No. 5180); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8136) granting an increase of pension to Joseph A. Scroggs, reported the same without amendment, accompanied by a report (No. 5181); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11232) granting a pension to Aaron L. Packer, reported the same with amendment, accompanied by a report (No. 5182); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11169) granting an increase of pension to Robert P. Call, reported the same with amendment, accompanied by a report (No. 5183); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10755) granting an increase of pension to Anna Flynn, reported the same without amendment, accompanied by a report (No. 5184); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5803) granting an increase of pension to Edwin L. Roberts, reported the same with amendment, accompanied by a report (No. 5185); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3980) granting a pension to Frank G. Hammond, reported the same without amendment, accompanied by a report (No. 5186); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3494) granting an increase of pension to Albert A. Talham, reported the same with amendment, accompanied by a report (No. 5187); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3234) granting an increase of pension to Rush Deskins, reported the same with amendment, accompanied by a report (No. 5188); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 522) granting an increase of pension to Frederick Roschdiansky, reported the same with amendment, accompanied by a report (No. 5189); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 747) granting an increase of pension to Robert Smith, reported the same with amendment, accompanied by a report (No. 5190); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1026) granting an increase of pension to Thomas M. Wilcox, reported the same with amendment, accompanied by a report (No. 5191); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1060) granting a pension to Margaret E. Lounsbury, reported the same with amendment, accompanied by a report (No. 5192); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1372) granting a pension to Josephine F. Richmond, reported the same with amendment, accompanied by a report (No. 5193); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1500) granting a pension to Emily J. Sherman, reported the same with amendment, accompanied by a report (No. 5194); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1706) granting an increase of pension to George H. Washburn, reported the same with amendment, accompanied by a report (No. 5195); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7411) granting an increase of pension to Tobias Fisher, reported the same with amendment, accompanied by a report (No. 5196); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7476) granting an increase of pension to George C. Dean, reported the same with amendment, accompanied by a report (No. 5197); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7544) granting an increase of pension to Gustavus E. F. Raschig, reported the same with amendment, accompanied by a report (No. 5198); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8159) granting an increase of pension to Charles Leathers, reported the same with amendment, accompanied by a report (No. 5199); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8338) granting an increase of pension to Isaac S. Doan, reported the same with amendment, accompanied by a report (No. 5200); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8789) granting an increase of pension to Levi Chapman, reported the same with amendment, accompanied by a report (No. 5201); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8925) granting an increase of pension to Chester Simpson, reported the same without amendment, accompanied by a report (No. 5202); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8958) granting an increase of pension to David Bowen, reported the same without amendment, accompanied by a report (No. 5203); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9100) granting a pension to Nancy C. Paine, reported the same with amendment, accompanied by a report (No. 5204); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9218) granting an increase of pension to William T. Blanchard, reported the same with amendment, accompanied by a report (No. 5205); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10032) granting an increase of pension to Octavo Barker, reported the same with amendment, accompanied by a report (No. 5206); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10240) granting an increase of pension to John H. Curnutt, reported the same with amendment, accompanied by a report (No. 5207); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10400) granting an increase of pension to Thomas Harrison, reported the same with amendment, accompanied by a report (No. 5208); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9402) granting an increase of pension to Adam S. Van Vorst, reported the same with amendment, accompanied by a report (No. 5209); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. YOUNG: A bill (H. R. 21377) to establish range lights on Grand Island Harbor, State of Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. KLINE: A bill (H. R. 21378) granting pensions to soldiers and sailors who have lost the sight of both eyes and to soldiers and sailors who are and may become bedridden, paralytic, utterly helpless, and painfully or permanently disabled from causes not occurring while in the military or naval service of the United States—to the Committee on Invalid Pensions.

By Mr. DALZELL (by request): A bill (H. R. 21379) to pension Volunteer Army nurses—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 21380) for the erection of a public building at Amsterdam, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 21381) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof, approved June 20, 1906—to the Committee on the District of Columbia.

By Mr. SIMS: A bill (H. R. 21382) for the prevention of smoke in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. HUMPHREY of Washington: A bill (H. R. 21383) providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham—to the Committee on the Judiciary.

By Mr. PEARRE: A bill (H. R. 21384) granting a pension of

\$30 per month to all honorably discharged soldiers and sailors who served at least ninety days in the Army or Navy of the United States during the civil war, and who have or may reach the age of 70 years—to the Committee on Invalid Pensions.

By Mr. FLOYD (by request): A bill (H. R. 21385) to make available the waters of the White River, in the States of Missouri and Arkansas, above Cotter, Ark., for electric power purposes without impeding navigation—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: A bill (H. R. 21386) to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"—to the Committee on the Merchant Marine and Fisheries.

By Mr. JENKINS: A bill (H. R. 21387) to authorize continuance of the railroad siding into square No. 737, in the city of Washington—to the Committee on the District of Columbia.

By Mr. HENRY of Texas: A bill (H. R. 21388) to amend the bankruptcy act—to the Committee on the Judiciary.

By Mr. PERKINS: A bill (H. R. 21389) to provide for collection of taxes on legacies of property—to the Committee on Ways and Means.

By Mr. LOUD: A bill (H. R. 21390) to increase to \$30 and \$50 per month certain pensions granted under the act of June 27, 1890—to the Committee on Invalid Pensions.

By Mr. RIVES: A bill (H. R. 21391) to prevent certain newspapers, magazines, circulars, pamphlets, and other publications from being carried in the United States mails—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS: A bill (H. R. 21392) providing for a military highway between Forts Leavenworth and Riley, Kans.—to the Committee on Military Affairs.

By Mr. LEVER (by request): A bill (H. R. 21393) to make the Barnaby road, in the District of Columbia, a public highway—to the Committee on the District of Columbia.

By Mr. ALLEN of Maine: A bill (H. R. 21394) authorizing the extension of T street NW.—to the Committee on the District of Columbia.

By Mr. HOWELL of Utah: A bill (H. R. 21395) to provide for the erection of a public building at Brigham City, Utah—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21396) to provide for the erection of a public building at Park City, Utah—to the Committee on Public Buildings and Grounds.

By Mr. GARRETT: A bill (H. R. 21397) authorizing a survey of the Hatchie River, and for other purposes—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 21398) authorizing a survey of the Obion River, and for other purposes—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 21399) authorizing a survey of the Forked Deer rivers, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. CAPRON: A bill (H. R. 21400) to regulate and equalize the pay of officers of the Army, Navy, Marine Corps, and Revenue-Marine Service—to the Committee on Military Affairs.

By Mr. ADAMSON: A bill (H. R. 21401) authorizing the Secretary of the Interior to purchase the McIntosh reservation, in Carroll County, Ga., and erect a monument thereon—to the Committee on Indian Affairs.

By Mr. AIKEN: A bill (H. R. 21402) permitting the building of a dam across the Savannah River at Gregg Shoals—to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: A bill (H. R. 21403) to amend section 2 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904, to restore to and confer upon certain persons the right to make entry under said act, and to amend existing law as to the sale of isolated tracts subject to entry under said act—to the Committee on the Public Lands.

By Mr. PARSONS: A bill (H. R. 21404) to prevent the employment of children in factories and mines—to the Committee on Interstate and Foreign Commerce.

By Mr. SAMUEL: A bill (H. R. 21405) to provide for the erection of a public building at Shamokin, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 21406) authorizing the President of the United States to enter into commercial agreements for the purpose of securing enlarged foreign markets for the beef and pork products of the United States—to the Committee on Ways and Means.

By Mr. WILEY of Alabama: A bill (H. R. 21407) to provide a site and erect a public building at Greenville, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 21408) to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906—to the Committee on the District of Columbia.

By Mr. CANDLER: A joint resolution (H. J. Res. 194) providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature—to the Committee on the Judiciary.

By Mr. McNARY: A resolution (H. Res. 644) directing the Secretary of Commerce and Labor to report to the House certain information relative to the operation of railways by the Governments of France, Switzerland, and Belgium—to the Committee on Railways and Canals.

Also, a resolution (H. Res. 645) directing the Secretary of Commerce and Labor to report to the House certain information relative to the operation of the parcels post in England, France, and Germany—to the Committee on the Post-Office and Post-Roads.

Also, a resolution (H. Res. 646) directing the Secretary of Commerce and Labor to report to the House certain information relative to the operation by the Government of telegraph lines in England, France, and Australia—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: A resolution (H. Res. 647) concerning the reference of certain portions of the President's message to the various House committees—to the Committee on Ways and Means.

Also, a resolution (H. Res. 648) to pay Mary A. Webb, widow of Homer B. Webb, deceased, a certain sum of money—to the Committee on Accounts.

By Mr. STEVENS of Minnesota: A resolution (H. Res. 649) directing the Clerk of the House to appoint an enrolling clerk—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 21409) for the relief of Edmund M. Talcott—to the Committee on the District of Columbia.

By Mr. BARTLETT: A bill (H. R. 21410) granting an increase of pension to Blanche Monroe Kell—to the Committee on Pensions.

Also, a bill (H. R. 21411) granting an increase of pension to Nannie E. Poole—to the Committee on Pensions.

Also, a bill (H. R. 21412) granting an increase of pension to Augustus L. Dodge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21413) granting an increase of pension to Mary S. Platt—to the Committee on Pensions.

By Mr. BARTHOLDT: A bill (H. R. 21414) granting a pension to J. P. Hannon—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 21415) granting an increase of pension to C. W. Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21416) granting an increase of pension to Charles Kiss—to the Committee on Invalid Pensions.

By Mr. BEIDLER: A bill (H. R. 21417) granting an increase of pension to Abram O. Kindy—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 21418) granting an increase of pension to Daniel H. Shumate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21419) granting a pension to F. M. McComis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21420) granting an increase of pension to Sebastain B. Abrams—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 21421) granting an increase of pension to Emanuel Vannarsdel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21422) granting an increase of pension to Frank Smyth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21423) granting an increase of pension to Martha E. Wood—to the Committee on Pensions.

Also, a bill (H. R. 21424) granting an increase of pension to J. W. Pettee—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 21425) granting an increase of pension to Jasper N. Brown—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 21426) granting an increase of pension to John J. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21427) granting an increase of pension to Thomas L. Moody—to the Committee on Invalid Pensions.

By Mr. BURNETT of Alabama: A bill (H. R. 21428) granting an increase of pension to Cornelius H. Lawrence—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 21429) granting an increase of pension to Abram D. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21430) granting an increase of pension to Alonzo Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21431) granting an increase of pension to Durack Rowen—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 21432) granting an increase of pension to Benjamin Bragg—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 21433) granting an increase of pension to George W. Lasley—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 21434) granting an increase of pension to Moses L. Boline—to the Committee on Pensions.

Also, a bill (H. R. 21435) granting an increase of pension to Martin Schoppa—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21436) granting an increase of pension to Benjamin Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21437) granting an increase of pension to Mary A. Somerlot—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21438) granting an increase of pension to William Cummings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21439) granting an increase of pension to Alexander Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21440) granting an increase of pension to Wesley Blackman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21441) granting an increase of pension to Rufus G. Kessler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21442) granting an increase of pension to William H. Ridgway—to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 21443) granting a pension to George D. Arthur—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 21444) providing for the presentation of a medal of honor to Col. Edward Jay Allen—to the Committee on Military Affairs.

By Mr. DAWES: A bill (H. R. 21445) granting a pension to Charles D. Barnett—to the Committee on Pensions.

Also, a bill (H. R. 21446) granting an increase of pension to William A. Crum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21447) granting an increase of pension to William W. Sparks—to the Committee on Pensions.

Also, a bill (H. R. 21448) granting an increase of pension to Jesse Jackman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21449) granting an increase of pension to Zedekiah Wiseman—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 21450) granting a pension to Will P. Hall—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 21451) granting an increase of pension to Joseph S. Kelley—to the Committee on Pensions.

Also, a bill (H. R. 21452) granting an increase of pension to Dacey Poore—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 21453) granting an increase of pension to Eliza C. Roosa—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 21454) for the relief of Payne, James & Co.—to the Committee on War Claims.

By Mr. GRANGER: A bill (H. R. 21455) granting an increase of pension to Isaac Crocker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21456) granting an increase of pension to Hazzard P. Gavitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21457) granting an increase of pension to Charles H. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21458) granting an increase of pension to James W. Goodwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21459) granting an increase of pension to James C. Booth—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 21460) granting an increase of pension to William G. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21461) granting an increase of pension to Henry Huff—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 21462) granting an increase of pension to William Wickham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21463) granting an increase of pension to William H. Moore—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 21464) granting an increase of pension to John R. Snyder—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 21465) granting an increase

of pension to Adoniram J. Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21466) granting an increase of pension to Franklin K. Hoyt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21467) granting an increase of pension to Lyman W. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21468) granting an increase of pension to Henry Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21469) granting a pension to Lyman W. Armstrong—to the Committee on Invalid Pensions.

By Mr. HILL of Mississippi: A bill (H. R. 21470) granting an increase of pension to Mary R. Carroll—to the Committee on Pensions.

Also, a bill (H. R. 21471) granting an increase of pension to Adaline H. Malone—to the Committee on Pensions.

Also, a bill (H. R. 21472) granting an increase of pension to Wiley H. Jackson—to the Committee on Pensions.

Also, a bill (H. R. 21473) granting an increase of pension to James B. Wood—to the Committee on Pensions.

By Mr. HINSHAW: A bill (H. R. 21474) granting an increase of pension to Samuel D. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21475) granting an increase of pension to George Stratton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21476) granting an increase of pension to Hiram A. Winslow—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 21477) granting an increase of pension to D. P. Felder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21478) granting an increase of pension to Mary G. Rowand—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21479) granting an increase of pension to William Bechtel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21480) granting an increase of pension to James D. Matthews—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 21481) granting an increase of pension to Lucy Cole—to the Committee on Pensions.

Also, a bill (H. R. 21482) to reimburse Lieut. Gordon N. Kimball—to the Committee on Claims.

By Mr. HOGG: A bill (H. R. 21483) granting an increase of pension to George S. Woods—to the Committee on Invalid Pensions.

By Mr. HUNT: A bill (H. R. 21484) granting a pension to Emma Eagan—to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 21485) granting a pension to William J. Schneider—to the Committee on Pensions.

Also, a bill (H. R. 21486) granting a pension to August Schneider—to the Committee on Pensions.

Also, a bill (H. R. 21487) granting a pension to William Winkey—to the Committee on Pensions.

Also, a bill (H. R. 21488) granting a pension to Nancy Keiser—to the Committee on Invalid Pensions.

Also, a bill (S. R. 21489) granting a pension to Margaret Bowzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21490) granting an increase of pension to Samuel Reddick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21491) granting an increase of pension to Leonidas M. Crossland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21492) granting an increase of pension to Abraham Zimmerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21493) granting an increase of pension to Thomas H. Pearson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21494) granting an increase of pension to Levi Prince—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21495) granting an increase of pension to Jonathan W. Pontius—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 21496) granting an increase of pension to Samuel B. Davis—to the Committee on Pensions.

Also, a bill (H. R. 21497) granting an increase of pension to Mary E. Hobbs—to the Committee on Pensions.

By Mr. KLINE: A bill (H. R. 21498) granting an increase of pension to Daniel Scheetz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21499) granting an increase of pension to Henry A. Wieand—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 21500) granting a pension to Caleb Houdyshell—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 21501) to remove the charge of desertion from the military record of John D. Cohee—to the Committee on Military Affairs.

Also, a bill (H. R. 21502) to remove the charge of desertion from the military record of Ezekiel W. Cohee—to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 21503) granting an increase of pension to Noah E. Lane—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 21504) granting an increase of pension to Andrew T. Moonert, alias William Mayfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21505) granting a pension to Mary P. Thiele—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 21506) granting an increase of pension to Jacob Howe—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 21507) granting an increase of pension to George Athey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21508) granting an increase of pension to Samuel Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21509) granting an increase of pension to John Rahler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21510) granting an increase of pension to Albert McKee—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 21511) for the relief of Joseph Manning—to the Committee on Claims.

By Mr. MADDEN: A bill (H. R. 21512) for the relief of James T. Healy—to the Committee on Claims.

Also, a bill (H. R. 21513) granting an increase of pension to William M. Hartnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21514) granting an increase of pension to Edward A. Tomlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21515) granting an increase of pension to Joseph Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21516) granting an increase of pension to James Murtha—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21517) granting an increase of pension to E. C. Russell—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 21518) granting a pension to Anna L. Patrick—to the Committee on Pensions.

By Mr. MONDELL: A bill (H. R. 21519) granting an increase of pension to Montezuma St. John—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 21520) to correct the military record of William S. Russell—to the Committee on Military Affairs.

Also, a bill (H. R. 21521) to restore the name of Caroline Kurtz to the pension roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21522) for the relief of James Jones—to the Committee on Military Affairs.

By Mr. MOUSER: A bill (H. R. 21523) granting a pension to Jacob A. Henkle—to the Committee on Invalid Pensions.

By Mr. OVERSTREET of Indiana: A bill (H. R. 21524) granting an increase of pension to Elison Gatewood—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 21525) granting an increase of pension to John Short—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 21526) granting an increase of pension to Henry C. Hoover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21527) granting an increase of pension to Ezra J. Yingling—to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 21528) granting a pension to Martha A. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21529) granting a pension to Charlotte Game—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21530) granting a pension to Elizabeth A. Bonner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21531) granting an increase of pension to Ann E. Macy—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 21532) granting an increase of pension to William Dobson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21533) granting an increase of pension to Lyman S. Strickland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21534) granting an increase of pension to Henry Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21535) granting an increase of pension to William E. Feeley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21536) granting an increase of pension to Willard B. Peakes—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 21537) granting an increase of pension to John W. B. Huntsman—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 21538) granting a pension to Caroline C. Kuhn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21539) granting an increase of pension to Joseph L. Koonce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21540) granting an increase of pension to John L. Wilson—to the Committee on Pensions.

Also, a bill (H. R. 21541) granting an increase of pension to William R. Wright—to the Committee on Pensions.

Also, a bill (H. R. 21542) granting an increase of pension to Erastus A. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21543) granting an increase of pension to Addison Thompson—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 21544) granting a pension to Charles G. Perrin—to the Committee on Pensions.

By Mr. SHEPPARD: A bill (H. R. 21545) authorizing the President to nominate and appoint Birchie O. Mahaffey, John A. Cleveland, and Traugott F. Keller as second lieutenants in the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 21546) for the relief of Sarah M. Harrell—to the Committee on War Claims.

Also, a bill (H. R. 21547) for the relief of Samuel G. Smyth—to the Committee on Claims.

By Mr. SMITH of Illinois: A bill (H. R. 21548) for the relief of the heirs and legal representatives of J. W. Hood, deceased—to the Committee on War Claims.

By Mr. SMITH of Iowa: A bill (H. R. 21549) granting an increase of pension to William J. Dryden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21550) granting an increase of pension to Charles M. Hobbs—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 21551) granting an increase of pension to Alfred E. Lucas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21552) granting an increase of pension to Ebenezer B. Hoyt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21553) granting an increase of pension to Charles O. Rankins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21554) granting an increase of pension to Samuel G. Healy—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 21555) granting an increase of pension to William T. Clark—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 21556) granting an increase of pension to Jacob Solmar—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 21557) granting a pension to John H. Stephens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21558) granting a pension to Samuel E. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21559) granting an increase of pension to William Ivers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21560) granting an increase of pension to John Sullivan—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 21561) granting an increase of pension to John P. Wildman—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 21562) granting an increase of pension to Valentine Goebel—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 21563) granting an increase of pension to Merritt M. Smart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21564) granting an increase of pension to Daniel French—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3208) granting a pension to Isabel T. Barthwick—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13706) granting an increase of pension to Albert C. Roach—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20765) granting a pension to Rachel M. McNeilly—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20828) granting a pension to Jeremiah Williams—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20847) granting a pension to John A. Pollard—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21032) granting an increase of pension to George H. Quigg—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21091) authorizing and directing the Secretary

of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis—Committee on Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 21109) granting a pension to Avery A. Smith—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21111) granting an increase of pension to Arthur Graham—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21240) granting an increase of pension to Meredith T. Moore—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of L. A. McDaniel and the citizens of the Choctaw Nation, protesting against the transfer of a large area of the land of that nation for a game reserve—to the Committee on Indian Affairs.

Also, petition of Local Union No. 1 of Bridge and Structural Iron Workers and other labor organizations, for the Merchant Marine Commission shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ACHESON: Petition of Charleroi Council, No. 1024, Junior Order United American Mechanics, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER: Petition of Plimpton, Cowan & Co., of Buffalo, N. Y., for legislation to improve the efficiency of the Patent Office—to the Committee on Patents.

Also, petition of the Political Equality Club, of Albany, N. Y., and Albany County Woman's Christian Temperance Union, for a constitutional amendment favoring woman suffrage—to the Committee on the Judiciary.

By Mr. BATES: Paper to accompany bill for relief of Isabelle T. Borthwick (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of F. M. McCommis—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Petition of the Wednesday Club, of St. Louis, Mo., for repeal of the duty on works of art—to the Committee on Ways and Means.

By Mr. BRICK: Petition of Charles W. Howell Post, No. 90, Grand Army of the Republic, Department of Indiana, for pension of ex-prisoners of the war of the rebellion to the amount of \$2 per day for terms of confinement—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Charles E. Ball, of Athens, Me., favoring restriction of immigration (bill S. 4403)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Silas E. Bowler, of Palermo, Me., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Pennsylvania: Petition of Coatesville Council, No. 421, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the librarian of Haverford College (Pennsylvania) library, against legislation that will abridge existing rights of libraries to import books in the English language (bills S. 6330 and H. R. 19853, Fifty-ninth Congress)—to the Committee on Ways and Means.

Also, petition of George A. McCall Post, No. 31, Grand Army of the Republic, approving bill H. R. 19985, granting pensions to all soldiers and sailors of the war of the rebellion for services, and a uniform pension to widows of said soldiers—to the Committee on Invalid Pensions.

By Mr. CASSEL: Paper to accompany bill for relief of John J. Fordney—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: Petition of the Philadelphia Board of Trade, for the subsidy shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Grindstone Council, No. 689, and Flatwoods Council, No. 965, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CROMER: Paper to accompany bill for relief of Levi Slagle, from citizens of Winchester, Ind.—to the Committee on Invalid Pensions.

By Mr. DALE: Petition of the Philadelphia Board of Trade,

against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of Sam Sloan Division, No. 276, Brotherhood of Locomotive Engineers, of Scranton, Pa., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Board of Trade, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of George D. Arthur—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of the Philadelphia Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. DAVIDSON: Paper to accompany bill for relief of Margaret Gilroy—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of Tri-City Lodge, No. 388, International Association of Machinists, of Davenport, Iowa, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. DRAPER: Petition of the New York State Pharmaceutical Association, for the Mann patent bill—to the Committee on Patents.

Also, petition of the New York State Pharmaceutical Association, assembled at Niagara Falls, June 27, 1906, for increasing the Medical Department of the Army and Navy of the United States by an addition of a pharmaceutical corps—to the Committee on Military Affairs.

By Mr. FINLEY: Papers to accompany bills for relief of Joseph S. Kelley and Mrs. Dicey Poore—to the Committee on Pensions.

By Mr. FULLER: Petition of the National Association of Retail Druggists, for an amendment of antitrust laws relative to cooperation among smaller merchants—to the Committee on Interstate and Foreign Commerce.

By Mr. GOEBEL: Petition of Southern Ohio Council, No. 299, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRANGER: Petition of Providence Chapter, American Institute of Bank Clerks, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. HAYES: Paper to accompany bill for relief of William Henry Moore—to the Committee on Invalid Pensions.

By Mr. HIGGINS: Petition of Jonathan Trumbull, librarian, against legislation abridging the importation of English books (bills S. 6330 and H. R. 19853, Fifty-ninth Congress)—to the Committee on Patents.

By Mr. HINSHAW: Paper to accompany bill for relief of Samuel D. Davis—to the Committee on Invalid Pensions.

By Mr. HOGG: Petition of a mass meeting of colored citizens of Bethlehem Baptist Church, Pueblo, Colo., disapproving the President's order relative to soldiers of the Twenty-fifth United States Infantry—to the Committee on Military Affairs.

By Mr. HOWELL: Paper to accompany bill for relief of Lucy Cole—to the Committee on Pensions.

By Mr. WILLIAM W. KITCHIN: Papers to accompany bills for relief of William Hobbs and L. B. Davis—to the Committee on Pensions.

By Mr. LACEY: Paper to accompany bill for relief of Caleb Houdyshell—to the Committee on Invalid Pensions.

Also, petition of members of the bar of Wapello County, Iowa, for a division of the district and circuit courts of the United States in the southern district of Iowa—to the Committee on the Judiciary.

Also, petition of the Retail Merchants' Association of Ottumwa, Iowa, for classification of postal clerks and increasing their pay—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of James Ridgway, of New York, for increase of the Coast Artillery force—to the Committee on Military Affairs.

By Mr. LITTAUER: Paper to accompany bill for relief of William A. Bates—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Petition of Lobster Fishermen's Union, No. 11843, American Federation of Labor, of Vinalhaven, Me., for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. LLOYD: Paper to accompany bill for relief of Noah E. Lane—to the Committee on Invalid Pensions.

By Mr. LORIMER: Paper to accompany bill for relief of Mary P. Thiele and Andrew T. Mönert—to the Committee on Invalid Pensions.

By Mr. McNARY: Paper to accompany bill for relief of Joseph Manning—to the Committee on Claims.

By Mr. MAHON: Petitions of General Harrison Council, No.

95, Daughters of Liberty, of Greencastle, Pa., and Victory Council, No. 443, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Petition of the Board of Trade of Philadelphia, for the subsidy shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. MOUSER: Petition of Attica Council, No. 317, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OLMSTED: Petitions of Wicomico Council, No. 57; Lykens, Pa., Commonwealth Council, No. 597; Camp Curtain Council, No. 629, and Golden Star Council, No. 6, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET of Indiana: Petition of the One hundred and thirteenth Regiment of Illinois Veterans' Association, for increase of pension—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Eleson Gatewood—to the Committee on Invalid Pensions.

By Mr. POU: Petition of Spring Hope Council, No. 176, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Alabama: Petition for the erection of a statue in the city of Florence, Ala., to Gen. John Coffee—to the Committee on the Library.

By Mr. ROBERTS: Petition of the Northeastern Federation of Women's Clubs, against spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Northeastern Federation of Women's Clubs, for punishing lynching by fixing capital punishment as penalty for same—to the Committee on the Judiciary.

By Mr. SHEPPARD: Paper to accompany bill for relief of C. W. Reid and Sam Daube—to the Committee on Claims.

Also, paper to accompany bill for relief of Elizabeth Wilson—to the Committee on Pensions.

By Mr. TIRRELL: Petitions of Mary C. Smith et al. and the Fitchburg Board of Trade and Merchants' Association, for removal of the tariff on art works—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Papers to accompany bills for relief of Mrs. J. Ferris and Mrs. Eliza Williams—to the Committee on Invalid Pensions.

By Mr. WANGER: Petitions of Pennsburg (Pa.) Council, No. 961; Henry Seybert Council, No. 520, of Abington, Pa.; Piper-ville (Pa.) Council, No. 620; Hand in Hand Council, No. 50, of Quakertown, Pa., and Riegelsville (Pa.) Council, No. 810, Junior Order United American Mechanics, and Friendship Council, No. 41, Daughters of Liberty, of Eden, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WOOD: Petition of Hiawatha Council, No. 110, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Board of Trade, against repeal of the national bankruptcy law—to the Committee on the Judiciary.

Also, petition of Trenton Musical Association, Local No. 62, American Federation of Musicians, for bill S. 529 (the shipping bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Board of Trade, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 7, 1906.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it be to Monday next.

The question was taken; and the motion was agreed to.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will proceed with the call of committees.

Mr. LACEY (when the Committee on the Public Lands was called). Mr. Speaker, I call up the bill (H. R. 15335) for the

protection of game animals, birds, and fishes in the Olympic Forest Reserve of the United States, in the State of Washington.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to designate such area in the Olympic Forest Reserve, in the State of Washington, not exceeding 750,000 acres, as should, in his opinion, be set aside for the protection of game animals, birds, and fishes therein, and as a breeding place therefor.

Sec. 2. That when such area has been designated as provided for in section 1 of this act, hunting, trapping, killing, capturing, or pursuing game animals, birds, and fish, upon the lands and within the waters of the United States, within the limits of said area, shall be unlawful, and any person violating the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding \$1,000 and be imprisoned for a period not exceeding one year, in the discretion of the court.

Sec. 3. That it is the purpose of this act to protect from trespass the public lands of the United States and the game animals, birds, and fish which may be thereon, and not to interfere with the local game laws as affecting private or State lands.

Mr. LACEY. Mr. Speaker, this is a bill introduced by the gentleman from Washington [Mr. HUMPHREY] authorizing the designation of a portion of the Olympic Forest Reserve as a game preserve, in addition to its present use as a forest reserve. There is in this particular locality the only remains of a herd of elk.

Mr. PAYNE. Mr. Speaker, I make a point of order against this bill.

The SPEAKER. For what purpose does the gentleman from New York [Mr. PAYNE] rise?

Mr. PAYNE. I rise for the purpose of making a point of order that this bill can not come in under this order, that it is not properly on the House Calendar. If I had understood the bill, I could have made the point of order before. As I understand the gentleman, it proposes to change a reservation, and the point of it is to appropriate for a game reserve instead of a forest reserve. Of course, incidentally, it requires officials, game wardens, constables, and all that sort of thing, but it changes the nature of the reservation—appropriates it to a new use.

Mr. LACEY. In the first place, Mr. Speaker, the objection comes too late. In the second place, there is no appropriation of public property and there is no creation of any charge upon the Treasury. There is no provision in the bill for the payment of a game warden or anybody else. It authorizes the issuance of a proclamation declaring that a portion of this reserve may be treated as a game reserve. That is all, and nothing more. There is no appropriation either directly or indirectly involved in it. The effect of it would be to enable the Executive to preserve the remains of an elk herd, which is all that is left to-day on the Pacific coast, except a small herd that has recently been transferred at the expense of the Government from a private reserve in southern California to a forest reserve in that locality.

Mr. PAYNE. What does the gentleman say as to the change in the appropriation in public lands?

Mr. LACEY. It is not an appropriation at all. It is simply a reservation for an additional public use, not for a private one. It is not parting with the property in any way whatever, any more than it would be declared that in the District of Columbia there should be a closed season during a certain portion of the year as to game.

Mr. PAYNE. If that is correct, then why could not the Congress under this order say it should be used for an army reservation of a military post? Certainly the gentleman then would say it was obnoxious to the rule and subject to the point of order.

Mr. LACEY. The establishment of a military post of necessity, Mr. Speaker, involves an expenditure. The mere reservation of land for a public use is not an appropriation. It is just the opposite of one. It is a retention and not an appropriation of the property.

The SPEAKER. The gentleman from New York [Mr. PAYNE] makes the point of order upon this bill—

Mr. LACEY. Mr. Speaker, clause 3, Rule XXIII—

Mr. PAYNE. Mr. Speaker, I make the point of order that it should first be considered in the Committee of the Whole.

Mr. LACEY. Mr. Speaker—

The SPEAKER. The Chair will hear the gentleman from Iowa [Mr. LACEY]. The gentleman from New York [Mr. PAYNE] makes the point of order that this bill should be on the Union Calendar rather than on the House Calendar. In other words, that it should be considered in the Committee of the Whole, as the Chair understands.

Mr. LACEY. Mr. Speaker, suppose we pass a law creating a new statutory offense. It necessarily follows that for a commission of that offense arrests may be made, the grand juries